



STEPHENS COUNTY, TEXAS

COMMISSIONERS COURT

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Subdivision Rules and Regulations



*Adopted by the Commissioners Court
of Stephens County, Texas*

July 27, 2026

Breckenridge, Texas

ORDER OF THE COMMISSIONERS COURT

ADOPTING THE STEPHENS COUNTY SUBDIVISION RULES AND REGULATIONS



THE STATE OF TEXAS COUNTY OF STEPHENS

WHEREAS, the Commissioners Court of Stephens County, Texas (the "Court") is empowered by Chapter 232 of the Texas Local Government Code and other applicable statutes to adopt rules governing plats and subdivisions of land within the unincorporated area of the County to promote the public health, safety, and general welfare, and the safe, orderly, and healthful development of the unincorporated area of the County; and

WHEREAS, the Court finds that the existing subdivision regulations of Stephens County are unnecessarily burdensome for routine divisions of land typical of a rural county and do not reflect the current state of Texas law, including statutory amendments enacted by the 88th and 89th Texas Legislatures; and

WHEREAS, the Court has prepared a takings impact assessment as required by Chapter 2007 of the Texas Government Code and has provided published notice of its intent to adopt these regulations not less than thirty (30) days before this meeting in a newspaper of general circulation in the County; and

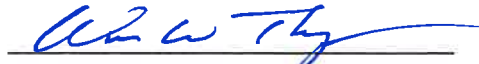
WHEREAS, the Court desires to adopt a streamlined, two-tier set of regulations that (i) protects the public health, safety, and general welfare by ensuring adequate roads, drainage, and emergency access in newly divided land, (ii) honors property owners' reasonable use of their land, and (iii) complies with the statutory deadlines, procedural protections, and limitations set out in current Texas law;

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

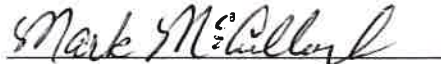
1. **Adoption.** The Stephens County Subdivision Rules and Regulations attached hereto are hereby adopted in their entirety as the official subdivision regulations of Stephens County, Texas.
2. **Repeal of Prior Regulations.** Any prior subdivision rules and regulations adopted by the Commissioners Court of Stephens County are hereby repealed and superseded by these Regulations as of the Effective Date below.
3. **Pending Applications.** Any plat application that was complete and pending before the Court as of the Effective Date shall be governed by the regulations in effect on the date the application was filed, at the applicant's option, except that the statutory deadlines in Texas Local Government Code §§ 232.0025–232.0029 shall apply in all cases.

4. **Severability.** If any provision of these Regulations is held invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.
5. **Effective Date.** These Regulations shall take effect on July 27, 2026, and shall be recorded in the minutes of the Commissioners Court.

ADOPTED this 27 day of July, 2026 by a vote of 5 ayes and 0 nays.


William W. Thompson, County Judge
Stephens County, Texas


David Fambro, Commissioner, Precinct 1


Mark McCullough, Commissioner, Precinct 2


Will Warren, Commissioner, Precinct 3


Tanner Wade, Commissioner, Precinct 4

ATTEST:


Jackie Ensey, County Clerk
Stephens County, Texas



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ARTICLE 1

GENERAL PROVISIONS

Section 1.01. Short Title

These rules and regulations shall be known and cited as the "Stephens County Subdivision Rules and Regulations" (these "Regulations").

Section 1.02. Authority

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

- Chapter 232, Texas Local Government Code (County Regulation of Subdivisions);
- Chapter 242, Texas Local Government Code (Authority of Municipality and County to Regulate Subdivisions In and Outside Municipality's Extraterritorial Jurisdiction);
- Chapter 251 et seq., Texas Transportation Code (county roads, bridges, and drainage);
- Chapter 16, Subchapter I, Texas Water Code (Flood Control and Insurance Act); and
- Chapter 366, Texas Health and Safety Code (On-Site Sewage Facilities), to the extent that Stephens County is designated as an authorized agent of the Texas Commission on Environmental Quality for on-site sewage facility permitting.

Section 1.03. Purpose

These Regulations are intended to:

- (a) Promote the public health, safety, and general welfare and the safe, orderly, and healthful development of the unincorporated area of Stephens County;
- (b) Protect the public health and safety by ensuring that newly divided land is served by adequate roads, drainage facilities, and emergency response access;
- (c) Provide a clear, predictable, and economical platting procedure that respects landowners' reasonable use of their property;
- (d) Honor the statutory deadlines, procedural protections, and limitations established by Texas law; and
- (e) Reduce the risk to residents and the traveling public.

Section 1.04. Applicability

These Regulations apply to every division of land located wholly or partly within the unincorporated area of Stephens County, Texas, except as expressly exempted by Article 3 or by state law.

Within the extraterritorial jurisdiction ("ETJ") of a municipality in Stephens County, these Regulations apply only to the extent permitted by an interlocal agreement entered into under Chapter 242, Texas Local Government Code.

Section 1.05. Interpretation

These Regulations establish minimum standards. Where a provision of these Regulations conflicts with another Court Order of the County that is more restrictive, the more restrictive provision controls. Where these Regulations conflict with state law, state law controls.

These Regulations are not intended to expand the County's regulatory authority beyond that granted by statute. No provision herein shall be construed to:

- Regulate the use of any building or property for business, industrial, residential, or other purposes;
- Regulate the bulk, height, or number of buildings on a particular tract;
- Regulate the size of a building, including any restriction on the ratio of building floor space to land area;
- Regulate the number of residential units per acre of land; or
- Regulate a plat, subdivision, or road access in an adjoining county.

Statutory limitation

These limitations are set out at Texas Local Government Code § 232.101(b). They apply unless otherwise expressly authorized by state law.

Section 1.06. Severability

If any provision of these Regulations is held invalid or unenforceable by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

Section 1.07. Effective Date and Repeal of Prior Regulations

These Regulations take effect on the date specified in the adopting Order. All prior subdivision regulations adopted by the Commissioners Court of Stephens County are repealed and superseded as of that date.

Any plat application complete and pending on the Effective Date shall be processed under these Regulations, except that the applicant may elect in writing to be governed by the regulations in effect on the date the application was filed. The statutory deadlines in Texas Local Government Code §§ 232.0025–232.0029 apply in all cases.

Section 1.08. Compliance Required

Except as expressly exempted, no person may subdivide land in the unincorporated area of Stephens County without first obtaining approval of a plat from the Commissioners Court in accordance with these Regulations. The County Clerk shall not record any plat that has not been approved as required by law.

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

ARTICLE 2

DEFINITIONS

For the purposes of these Regulations, the following words and terms have the meanings set out below. Words not specifically defined have their ordinary meaning as commonly understood in the practice of Texas county government, surveying, and engineering.

In the interpretation of these Regulations: (a) words in the singular include the plural and vice versa; (b) the word "person" includes an individual, corporation, partnership, trust, association, or other legal entity; (c) the words "shall" and "must" are mandatory; and (d) the word "may" is permissive.

Applicant. The owner of a tract of land that is the subject of a plat application, or the owner's duly authorized representative.

Block. A tract of land bounded by streets, roads, public parks, railroad rights-of-way, streams, or other natural or political boundaries.

Commissioners Court. The Commissioners Court of Stephens County, Texas, consisting of the County Judge and the four (4) Precinct Commissioners.

County. Stephens County, Texas.

County Clerk. The duly elected County Clerk of Stephens County, Texas, or designee.

County Judge. The duly elected County Judge of Stephens County, Texas, or designee.

County Road. A public road that has been (i) dedicated to public use and accepted for maintenance by the County by formal action of the Commissioners Court, (ii) acquired by the County by prescription or condemnation, or (iii) constructed and continuously maintained by the County. A road shown on an approved plat is not a County Road until the Commissioners' Court has expressly accepted it for maintenance.

Daughter Tract. Any of the resulting parcels created by the division of a Parent Tract.

Designee. The person, employee, or office to whom the Commissioners' Court has, by Order, delegated specific authority under these Regulations to act on its behalf. The Commissioners' Court may designate one or more officers or employees of the County to approve, conditionally approve, or disapprove a plat.

Easement. A right of use granted over a portion of a Lot to the County, a utility provider, or another person for a specific purpose. A holder of a recorded Easement has the right of ingress and egress for purposes of construction, maintenance, and repair, and the underlying property owner may not place any structure on the Easement that would impair its use.

Engineer. A person currently registered to practice professional engineering in the State of Texas under Chapter 1001, Texas Occupations Code.

ETJ (Extraterritorial Jurisdiction). The unincorporated area of the County contiguous to the corporate boundaries of a municipality, as determined under Chapter 42, Texas Local Government Code.

Final Plat. A plat, prepared by a licensed registered professional land surveyor and/or, where engineering is involved, an Engineer, that is in a form suitable for recording with the County Clerk after approval by the Commissioners Court.

Flag Lot. A lot accessed by a narrow strip of land, at least 60' in breadth in its entirety (the "pole"), connecting the bulk of the lot (the "flag") to a road.

Floodplain. Any land area shown by a then-current effective Flood Insurance Rate Map ("FIRM") published by the Federal Emergency Management Agency to be within an area of special flood hazard, or otherwise subject to inundation by a flood having a one percent (1%) chance of occurrence in any given year.

Lot. An individual parcel of land in a subdivision, identified by lot and block number on a recorded plat.

Minor Plat. A plat for a simple division of land qualifying for review under the streamlined procedure in Article 4. See definition and criteria at Article 4, Section 4.02. Also referred to as a Simplified Plat.

OSSF (On-Site Sewage Facility). A septic system or other on-site wastewater treatment facility regulated by the Texas Commission on Environmental Quality under 30 Texas Administrative Code Chapter 285.

Owner. The person or persons holding legal title to a tract of land, or the person's duly authorized representative.

Parent Tract. A tract of land in its configuration immediately before the proposed division.

Plat. A map of a tract of land showing the division of the tract into Lots and Blocks, the location of streets, alleys, easements, and other features, prepared by a surveyor and submitted for approval to the Commissioners Court.

Precinct Commissioner. The County Commissioner of Stephens County, in whose precinct the tract being platted lies, or the Commissioner's duly authorized representative.

Private Road. Owned and maintained by the developer or through shared expense of the purchasers. A private road is considered under the Public Use Dedication if more than one owner/purchaser utilizes the road for access to the property.

Public Use Dedication. The setting aside, by formal language on a plat or in a separate instrument, of any portion of a tract for use by the public or by purchasers or owners of lots fronting on or adjacent to such portion. A Public Use Dedication includes, without limitation, a street, alley, square, park, drainage easement, or utility easement intended to be dedicated to public use or for the use of lot owners (even if the road is to be privately owned and maintained).

Right-of-Way. Land dedicated to public use for a road or street, measured from boundary line to boundary line.

Setback. The minimum required distance between a structure and a property line, road right-of-way, or other feature.

Standard Plat. A plat for any division of land that is not eligible for processing as a Minor Plat. See Article 4, Section 4.03.

Subdivider. The Owner of a tract of land who divides it into two or more parts subject to these Regulations; also called the "Developer."

Subdivision. The division of a tract of land into two or more parts to lay out (i) a subdivision of the tract, including an addition; (ii) Lots; or (iii) streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts. Subdivision has the meaning given in Texas Local Government Code § 232.001.

Surveyor. A person currently registered as a professional land surveyor in the State of Texas under Chapter 1071, Texas Occupations Code.

TCEQ. The Texas Commission on Environmental Quality.

TxDOT. The Texas Department of Transportation.

ARTICLE 3

WHEN A PLAT IS REQUIRED; EXCEPTIONS

Section 3.01. When a Plat Is Required

Subject to the exceptions in Section 3.02, the Owner of a tract of land located in the unincorporated area of Stephens County must obtain approval of a plat from the Commissioners' Court before dividing the tract into two (2) 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 by the owner to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts (*see definition of Public Dedication Use*).

Public-Use Dedication is the trigger.

If any part of the tract is dedicated to public use — including a new public road, alley, park, square, or public drainage or utility easement — a plat is required, regardless of how large the resulting tracts are or whether the division qualifies for any of the exceptions below (see definition of public).

Section 3.02. Statutory Exceptions

Consistent with Texas Local Government Code § 232.0015, a plat is not required for a division of land that meets one or more of the following criteria, provided that no part of the tract is intended for Public Use Dedication:

A. Agricultural Use

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

B. Family Transfers of Four (4) or Fewer Tracts

The Owner divides the tract into four (4) or fewer parts, and each Daughter Tract is sold, given, or otherwise transferred to an individual related to the Owner within the third degree of consanguinity (by blood) or affinity (by marriage) as determined under Chapter 573, Texas Government Code.

C. All Lots More Than Ten (10) Acres

All Lots created by the division are more than ten (10) acres in area, and no part of the tract is laid out for public use.

D. Veterans' Land Board Transactions

The Owner sells all Lots to veterans through the Texas Veterans' Land Board program.

E. Subdivisions of the State

The tract belongs to the State of Texas, a state agency, board, or commission, or to the permanent school fund or any other dedicated fund of the State.

F. Later Subdivision

The Owner retains one new part of the tract and transfers the other new part to a person who will later subdivide the property in accordance with these Regulations.

G. Undivided Interests

All parts of the tract are transferred to persons who held an undivided interest in the original tract. A plat must be filed before any further development of any part of the tract.

Section 3.03. Loss of Exception

A division of land that initially qualified for an exception under Section 3.02 loses that exception if the criteria for the exception cease to be met — for example, if a Public Use Dedication is later proposed, if a Lot less than ten (10) acres is created from a tract that previously qualified under Section 3.02(C), or if a family transferee under Section 3.02(B) sells or transfers the Lot to a non-family member.

Upon the loss of an exception, the Owner shall obtain plat approval under these Regulations before any further development, division, or sale of the Lot.

Section 3.04. Continuing Requirements for Exempted Land

Even where a division is exempt from the plat requirement, the Owner remains subject to:

- Texas Commission on Environmental Quality regulations governing on-site sewage facilities (OSSFs), administered directly by TCEQ or, if and when the County obtains authorized agent status under Chapter 366, Texas Health and Safety Code, by the County's OSSF permitting process;
- County 9-1-1 addressing requirements;
- County floodplain regulations adopted pursuant to Chapter 16, Subchapter I, Texas Water Code;
- Texas Department of Transportation requirements for any access onto a state highway or farm-to-market road; and
- Any other applicable federal, state, or local law.

ARTICLE 4

PLAT TYPES AND TWO-TIER REVIEW

Section 4.01. Two-Tier System

To match the level of County review to the complexity of the proposed division, these Regulations establish two tiers of plat review:

- (4) Minor Plat — for routine, low-impact divisions that meet the criteria in Section 4.02 (referred to as a Simplified Plat in some Code); and
- (5) Standard Plat — for all other plats, including larger residential subdivisions, commercial subdivisions, and any plat involving new public roads or significant infrastructure.

The Subdivider or Owner may elect to process any division as a Standard Plat. A division that meets the Minor Plat criteria, however, is entitled to the streamlined procedure if requested.

Section 4.02. Minor Plat

A. Eligibility

A plat may be processed as a Minor Plat if all of the following are true:

- (1) The proposed division creates four (4) or fewer Lots from a single Parent Tract;
- (2) No road is created that meets the definitions of a Public Use Dedication;
- (3) Each Lot has direct frontage on an existing County Road, state highway, farm-to-market road, or approved access easement of record;
- (4) The Lots are intended for single-family residential, agricultural, or open-space use; and
- (5) No portion of the Lots is dedicated to public use other than (i) routine utility easements along the perimeter of Lots or (ii) drainage easements following existing watercourses.

B. Streamlined Content

Minor Plat applications shall contain the information set out in Exhibit F to these Regulations. Engineering certifications and construction plans are not required for a Minor Plat unless the Court finds, based on specific site conditions, that they are necessary to protect health, safety, or the integrity of the public road and drainage system.

C. Single Use per Tract

No Lot or Daughter Tract may be resubmitted as a Minor Plat within one (1) year of an earlier Minor Plat involving any portion of the same property.

Section 4.03. Standard Plat

A Standard Plat is required for any division that does not qualify for the Minor Plat procedure, including, without limitation:

- Any division creating five (5) or more Lots;
- Any division creating one (1) or more new public or private roads (as defined by the Public Use Designation);
- Any division involving new public water, sewer, or drainage infrastructure;
- Any division of land for commercial, industrial, or multi-family residential use; and
- Any division where any Lot relies on an OSSF and any Lot is less than one (1) acre in size.

Standard Plat applications shall contain the information set out in Exhibit G, including all engineering certifications and construction plans applicable to the proposed improvements.

Section 4.04. Other Plat Types

These Regulations also recognize the following plat types, each governed by Article 10:

- **Plat Revision:** Changes the layout of an existing recorded subdivision. Governed by Texas Local Government Code § 232.009.
- **Amending Plat:** Corrects errors or omissions on a previously recorded plat. Governed by Texas Local Government Code § 232.011.
- **Plat Cancellation (Vacation):** Cancels all or part of a recorded subdivision and restores the property to acreage. Governed by Texas Local Government Code § 232.008.

ARTICLE 5

PLATTING PROCEDURE AND STATUTORY TIMELINE

Section 5.01. Pre-Application Meeting

Before submitting a plat application, the Applicant is encouraged — though not required — to meet with the Precinct Commissioner for the precinct in which the property lies. The purpose of this meeting is to review site conditions, identify drainage and access considerations, and clarify County expectations. A pre-application meeting does not constitute approval and is not binding on the Court or any Commissioner.

Section 5.02. Submission of Application

Plat applications shall be submitted to the County Judge's office on the form set out in Exhibit A, together with all required attachments and the applicable fee from Exhibit B. The Application shall include:

- The completed Exhibit A application form, signed by the owner and any authorized representative;
- The plat itself, prepared by a surveyor, in the form required by Exhibit F;
- All certificates required by Exhibit C;
- A current tax certificate showing all property taxes paid through the most recent assessment year;
- Engineering plans and certifications where required;
- Groundwater availability certification, where required by Section 9.01;
- Any TxDOT approval letter required by Section 8.05; and
- The applicable fee per Exhibit B.

Section 5.03. No Preliminary Plat or Development Plan Required

Consistent with Texas Local Government Code § 232.00285, the County does not require an applicant to submit a preliminary plat, development plan, subdivision construction plan, site plan, general plan, or land development application as a precondition to filing a plat application under these Regulations.

An Applicant may, however, voluntarily request a non-binding informal review by the Precinct Commissioner before filing. No fee shall be charged for such an informal review.

Section 5.04. Completeness Determination — 10 Business Days

The County Judge or designee shall determine whether the application is complete and notify the Applicant in writing not later than the tenth (10th) business day after the application is received. If the application is incomplete, the notice shall identify each missing item with reasonable specificity. The Applicant may then provide the missing items at any time; the application is considered complete on the date the missing items are received.

Acceptance of a completed application does not constitute approval and does not waive any requirement of these Regulations.

Statutory authority

Texas Local Government Code § 232.0025(b). The County may not require an Applicant to waive any of the time limits in this Article.

Section 5.05. Action by the Commissioners Court — 30 Days

The Commissioners Court (or its designee where authorized) shall approve, conditionally approve, or disapprove a complete plat application not later than the thirtieth (30th) day after the date the complete application is received.

If the Court fails to act within these 30 days, the application is approved by operation of law. § 232.0025(d). If approval is granted by operation of law, the Applicant may apply to the district court of Stephens County for a writ of mandamus to compel issuance of the documents recognizing the approval and may recover reasonable attorney's fees and court costs as provided by § 232.0025(i).

Section 5.06. Extension of 30-Day Period

The 30 days in Section 5.05 may be extended for one (1) or more periods, not to exceed thirty (30) days each, by written agreement between the Applicant and the Court. The County may not require an Applicant to waive the time limits or approval procedure of this Article as a condition of plat consideration.

The Court may unilaterally extend the period by not more than thirty (30) days for purposes related to Chapter 2007 of the Texas Government Code (takings), if the Court makes the takings determination not later than the 20th day after the date the complete application is received.

Section 5.07. Approval, Conditional Approval, or Disapproval

A. Approval

If the Court approves the plat, the County Judge shall sign the approval certificate on the face of the plat. The approved plat may then be filed for recording with the County Clerk upon payment of the recording fee.

B. Conditional Approval or Disapproval — Specific Written Reasons Required

If the Court conditionally approves or disapproves the plat, it shall provide the Applicant with a written statement that clearly articulates each specific condition or reason. Each condition or reason must be:

- Directly related to a requirement of these Regulations or applicable state law;
- Accompanied by a citation to the specific statute, rule, regulation, or Court Order that authorizes the condition or reason; and
- Specific to the application — generic statements that the plat "does not comply with the Regulations" are not sufficient.

Plain-language denial requirement

Texas Local Government Code §§ 232.0026 and 232.0027 and Texas Attorney General Opinion KP-0349 (2021). If the Court fails to adequately explain the specific reason for a conditional approval or disapproval, the plat is approved by operation of law, and the Court's decision is subject to judicial review under the clear-and-convincing-evidence standard of § 232.0029, without deference.

C. Applicant's Response — 15-Day Re-Review

Following conditional approval or disapproval, the Applicant may submit a written response that satisfies each condition or provides remedies for each disapproval reason. The Court may not impose a deadline for the Applicant to submit a response.

Not later than the fifteenth (15th) day after receipt of the Applicant's response, the Court (or its designee) shall determine whether to approve the plat. The plat shall be approved if the response adequately addresses each previously stated condition or reason. § 232.0028.

Section 5.08. Judicial Review

An Applicant aggrieved by a final action on a plat application may seek judicial review in the district court of Stephens County. In any such action, the County bears the burden of proving by clear and convincing evidence that the disapproval or conditional approval meets the requirements of Chapter 232 and these Regulations. The court shall not apply a deferential standard. § 232.0029.

Section 5.09. Refunds When Court Fails to Act

If the Court fails to decide within the time required by this Article, the County shall refund the greater of (i) the unexpended portion of the fee or deposit paid or (ii) fifty percent (50%) of the application fee. § 232.0025(i).

Section 5.10. Expiration

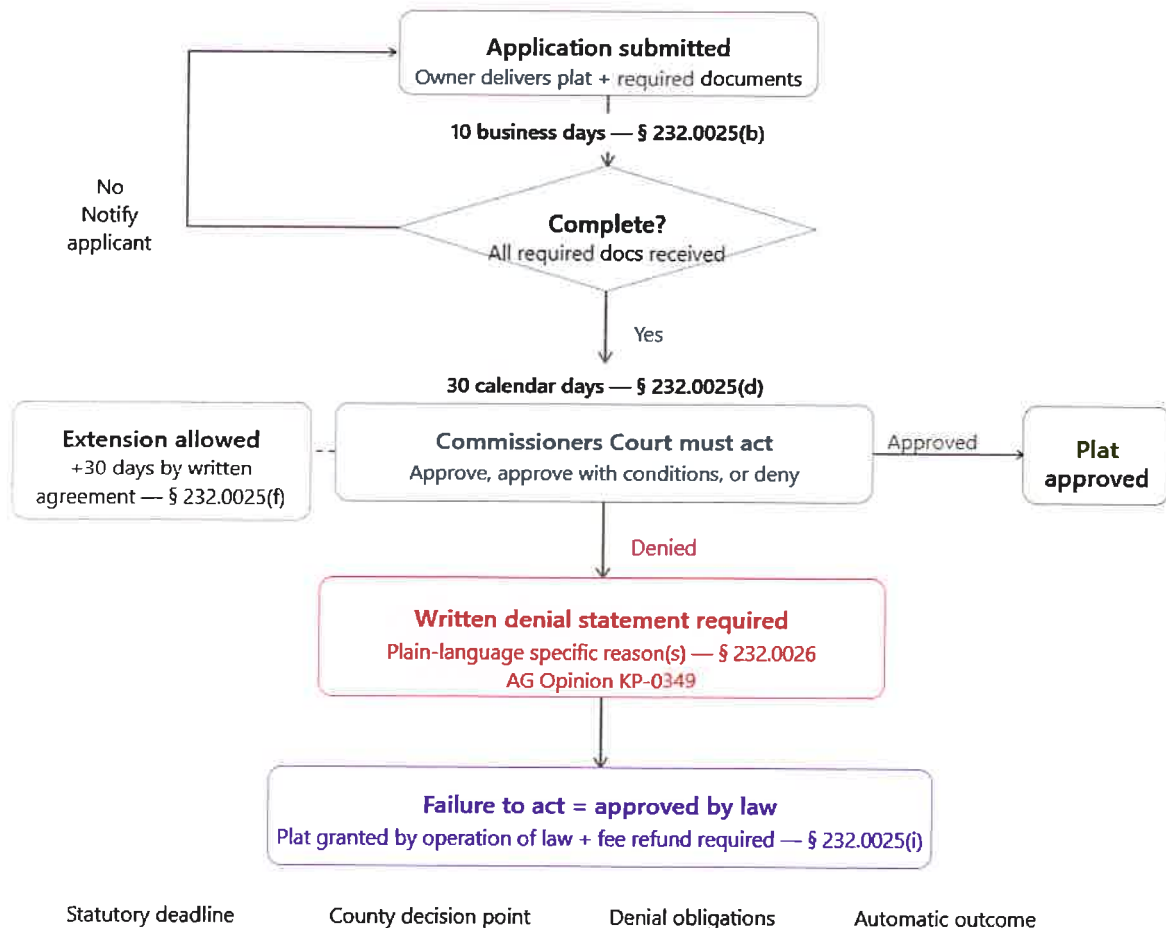
Approval of a plat expires January 1 of the 51st year after the year of approval if no portion of the subdivided land has been sold or transferred before that date. § 232.002(c). A plat resubmitted after expiration is subject to the requirements in effect at the time of resubmission.

Section 5.11. Conflict of Interest

Any member of the Commissioners Court having a substantial interest in a subdivided tract, as defined in Texas Local Government Code § 232.0048, shall file a written affidavit with the County Clerk before any vote or decision on the plat and shall abstain from further participation in the matter. A substantial interest includes, among other things:

- An equitable or legal interest in the tract with a fair market value of \$2,500 or more;
- Acting as a developer of the tract;

- Owning ten percent (10%) or more of the voting stock or shares of, or ten percent (10%) or \$5,000 or more of the fair market value of, a business entity with an ownership interest in the tract worth \$2,500 or more, or that acts as developer; or
- Receiving funds in a calendar year from such a business entity in excess of ten percent (10%) of the Commissioner's gross income for the previous year.



ARTICLE 6

APPLICATION CONTENT AND REQUIRED INFORMATION

Section 6.01. Master Checklist Posted to County Website

As required by Texas Local Government Code § 232.0025(a), the County Judge's office shall maintain a written list of all documentation and information required for a plat application. The list shall be posted on the Stephens County website at all times and updated promptly as the requirements change. An application that includes every item on the list as posted on the date of submission is considered complete.

The current list is set out in Exhibit F of these Regulations.

Section 6.02. Digital Submission

The County requires, in addition to paper submissions, an electronic copy of the plat and supporting documents in PDF format, and a digital map compatible with County mapping systems, geo-referenced using the Texas Coordinate Systems adopted under Section 21.071 of the Texas Natural Resources Code. The Court may grant an exemption from any digital-mapping requirement upon a sworn statement by the Subdivider that the technology was not reasonably available. § 232.023.

ARTICLE 7

DESIGN STANDARDS

Section 7.01. General

The standards in this Article are minimum standards for the design of subdivisions in Stephens County. The Court may require additional or stricter measures only when supported by specific site conditions and only to the extent authorized by state law.

Section 7.02. Minimum Lot Size

Minimum Lot size depends on how water and wastewater service will be provided:

Water Supply	Wastewater	Minimum Lot Size
Private well	On-site septic (OSSF)	1 acre
Public or community water system	On-site septic (OSSF)	½ acre
Public or community water system	Public or community wastewater	½ acre

All minimum Lot size requirements are exclusive of easements and road rights-of-way. The County may require larger Lots where soil conditions, slope, drainage, or proximity to a watercourse or floodplain so require, based on a written recommendation from a licensed soil evaluator or the TCEQ-authorized agent with jurisdiction over the area.

Section 7.03. Lot Frontage and Access

(a) **Frontage required.** Every Lot shall have direct frontage on a public road or, in a subdivision with private roads established in accordance with these Regulations, on an approved private road. The minimum frontage for any Lot is 60 feet, measured at the road right-of-way line, determined as follows:

- (1) for a Lot with straight frontage, 60 feet measured along the right-of-way line; and
- (2) for a Lot with curved frontage, 60 feet measured as the chord between the points where the Lot's two side lines meet the right-of-way line.

(b) **Cul-de-sac bulbs.** For a Lot fronting on the bulb of a cul-de-sac, where the radius of the bulb makes a 60-foot chord at the right-of-way line impractical, frontage shall instead be not less than 60 feet measured at the front building setback line, provided the Lot otherwise meets the minimum area requirements.

(c) **Flag Lots and access corridors.** Flag Lots are not categorically prohibited but are strongly discouraged. A Flag Lot is a Lot whose frontage is provided by an access strip (or "pole") that is narrower than the width of the main body of the Lot located behind the strip. Where a Flag Lot is proposed:

- (1) the access strip shall be not less than 60 feet in width, and that 60-foot width shall be maintained continuously for the entire length of the strip, from its intersection with the road to and including the frontage of the deepest Lot served by the strip;
- (2) any road constructed within the access strip shall be built to the applicable road standard under Article [8] if it serves as access to multiple lots (not to include private drives providing access to a single lot); and
- (3) each Lot served shall have access adequate for emergency vehicles.

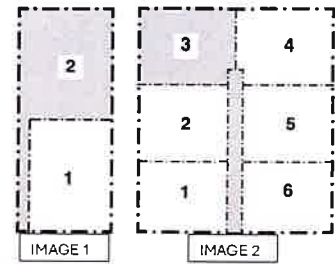


Image 1 is a simple flag lot. The access strip must be 60' wide, but the road serves as a private drive and not a public access point.

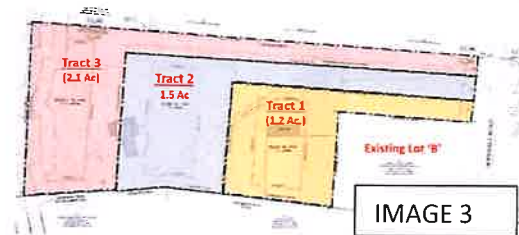
Image 2 is more complex. The access strip must be 60' wide and the road must meet county requirements since it is used by multiple owners.

Image 3 shows a series of stacked flags. Each lot has its own private drive, but each access strip must be 60' wide.

An access strip meeting the requirements of this Subsection satisfies the frontage requirement of Subsection (a) for the Lot or Lots it serves. The Court may disapprove a plat that relies on a Flag Lot not meeting the requirements of this Subsection, stating in its disapproval the specific provision of these Regulations or other applicable law that the plat fails to satisfy, in accordance with Section 5.07 (Conditional Approval or Disapproval) and § 232.0026, Texas Local Government Code.

Section 7.04. Setbacks

The following minimum setbacks apply to all Lots unless modified by a recorded restrictive covenant or by a setback line established by the Court under Chapter 233, Texas Local Government Code:



- Front setback: 25 feet from the road right-of-way line;
- Front setback on a TxDOT-controlled highway or major arterial: 50 feet from the right-of-way line;
- Side setback: 10 feet on each side;
- Side-street setback on corner lots: 25 feet;
- Rear setback: 20 feet;
- Water well to property line: 50 feet;
- Water well to OSSF component: as required by 30 Texas Administrative Code Chapter 285 (generally 50 to 150 feet depending on system type).

Section 7.05. Easements

Subdivisions shall provide adequate easements for utilities and drainage. Minimum easement widths are:

- Utility easements: 16 feet wide along rear Lot lines (18 feet where a water main is located), with electric typically on the north or west side, telephone on the south or east, and gas centered;

- Drainage easements: as wide as necessary to convey storm and flood flows and allow County access for maintenance, with a minimum width of 10 feet.

No structure may be placed in a recorded easement. The Lot owner is responsible for keeping the easement clear.

Section 7.06. Monumentation

All subdivision external corners, angle points, points of curvature, and points of tangency shall be set by a Surveyor before the plat is recorded. Lot and Block monumentation shall comply with the Minimum Standards of Practice of the Texas Board of Professional Land Surveying.

ARTICLE 8

ROADS, DRAINAGE, AND INFRASTRUCTURE

Section 8.01. Road Specifications

All new roads in a subdivision shall meet the following minimum specifications, which the Commissioners Court adopts under Texas Local Government Code § 232.003:

Element	Minimum
Right-of-way width	60 feet
Crown width / drivable surface width	30 feet
Width of compacted base material	28 feet
Depth of compacted base material at crown	6 inches
Height at crown above shoulder	6 inches
Surface width	22 feet
Minimum surface	Asphalt prime coat with two-course asphalt treatment, per TxDOT specifications

Base material shall be crushed limestone meeting TxDOT specifications. Subgrade preparation, base material placement, and surface treatment shall be performed in accordance with TxDOT practices. The right-of-way shall be cleared of timber, brush, fences, and obstructions and then seeded with native grasses or other plants approved by the Commissioners Court.

A. Equal Standards Rule

Consistent with Texas Local Government Code § 232.0031, the County shall not impose a higher standard for subdivision roads than it requires of itself when constructing a comparable County road.

Section 8.02. Two Means of Access for Large Subdivisions

Any residential subdivision of one thousand (1,000) or more Lots in the unincorporated area of the County must provide at least two (2) means of ingress and egress for use by emergency vehicles and for evacuations resulting from fire or other natural disaster. § 232.0034.

Section 8.03. Dedication and Acceptance of Roads

Approval of a plat showing roads does not, by itself, constitute acceptance of the roads by the County for maintenance. Under Chapter 281, Texas Transportation Code, Stephens County (with a population of 50,000 or less) may acquire a public interest in a private road only by the specific methods set out in that

chapter. A road may be dedicated to the County and accepted for maintenance only by an express, written communication to the Commissioners' Court accepted by formal Court Order.

Private until accepted

Until the Commissioners Court formally accepts a road for maintenance by Order, the road is private. Construction, repair, and maintenance of an unaccepted road are the responsibility of the Subdivider, the lot owners, and any homeowners' association formed for that purpose. The plat shall include a Certificate of Road Maintenance in the form of Exhibit D.

Section 8.04. Drainage

The Subdivider's drainage design shall:

- (1) Move surface water from each Lot toward roads, ditches, or recorded drainage easements;
- (2) Avoid using roads as primary drainage courses;
- (3) Use a 10-year flood frequency for sizing culverts, or other design storm approved in writing by the County Engineer or the Commissioners Court;
- (4) Specify culverts of at least twenty-four (24) inches in diameter, of concrete or metal construction, with rip-rap (concrete testing at least 2,500 psi) at stream crossings; and
- (5) Coordinate with the general drainage pattern in the surrounding area.

The County does not accept responsibility for the maintenance of any drainage facility outside a dedicated public road right-of-way unless the Commissioners Court expressly accepts the facility by Order.

Section 8.05. Driveways and Access onto Public Roads

Any driveway or access connecting a subdivision Lot to a state highway or farm-to-market road requires a permit from TxDOT. The Applicant shall furnish a copy of the TxDOT permit (or written confirmation of TxDOT's approval of the general access configuration) before plat approval.

Driveways connecting to a County Road require a Right-of-Way Access Permit from the County in the form of Exhibit E. The Owner is responsible for the cost of culverts and installation. The County may require driveway culverts of at least 18 inches in diameter, sized in accordance with engineering practice for the location.

Section 8.06. Naming and Addressing

All road names shall be pre-approved by the County 9-1-1 Coordinator before plat approval. Road names shall not duplicate the name of any other road in Stephens County unless the new road is a continuation of an existing road. Each Lot shall be assigned a 9-1-1 address before occupancy.

Section 8.07. Intersections

Streets to intersect at right angles to existing roadways and within the subdivision.

ARTICLE 9

WATER, SEPTIC, AND EMERGENCY SERVICES

Section 9.01. Groundwater Availability Certification

For any plat application for a subdivision that will source its water supply from groundwater drawn under the land, the application shall include a certification, prepared by a Texas-licensed engineer or geoscientist, that adequate groundwater is available for the subdivision. The certification shall use the form and content adopted by the Texas Commission on Environmental Quality. § 232.0032.

A. Waiver

The Commissioners Court may waive the groundwater certification requirement only if (i) there is credible evidence that groundwater is available in the vicinity, (ii) the Court finds that sufficient groundwater will continue to be available, and (iii) the tract will not be divided into more than ten (10) parts (Stephens County not being located on the Gulf Coast or Carrizo-Wilcox Aquifers).

B. Information to Texas Water Development Board

Where a groundwater certification is required, the Applicant shall provide such information to the Texas Water Development Board and any groundwater conservation district within the subdivision as is required by TCEQ rule.

Section 9.02. On-Site Sewage Facilities (OSSFs)

Stephens County is not currently designated as an authorized agent of TCEQ for OSSF permitting under Chapter 366, Texas Health and Safety Code. OSSF permitting in the unincorporated area of the County is therefore administered directly by TCEQ under 30 Texas Administrative Code Chapter 285. The following provisions apply in the interim and shall be superseded by a separate Court Order when the County obtains authorized agent status:

- (1) Before the installation of any OSSF in a new subdivision, the Subdivider shall submit all required site evaluation materials to TCEQ (or, if the County later obtains authorized agent status, to the County's Designated OSSF Representative) in accordance with 30 Texas Administrative Code Chapter 285.
- (2) TCEQ (or the County's Designated OSSF Representative, if the County later obtains authorized agent status) shall review and respond to OSSF planning materials in accordance with applicable TCEQ rules and timelines.
- (3) No OSSF permit shall be issued for a Lot in a subdivision that has not been platted in accordance with these Regulations.
- (4) Standards for installation, alteration, maintenance, and inspection of OSSFs are those set out at 30 Texas Administrative Code Chapter 285, as amended.

Section 9.03. Water Supply Certification

Every plat shall identify how each Lot will receive water service. Acceptable forms of certification include:

- A signed Water Supply Certificate from a public or community water provider confirming adequate capacity and willingness to serve each Lot (where public or community supply is used); or
- An Individual Water Supply Certificate executed by the Owner, where each Lot will rely on a private well, accompanied by the groundwater availability certification required by Section 9.01, where applicable.

Section 9.04. Fire Protection

For a subdivision not served by fire hydrants connected to a centralized water system certified by TCEQ as meeting minimum water-utility standards, the Court may require, pursuant to Texas Local Government Code § 232.109:

- For a subdivision of fewer than fifty (50) houses: 2,500 gallons of stored water; or
- For a subdivision of fifty (50) or more houses: 2,500 gallons of stored water with a centralized water system, or 5,000 gallons of stored water without.

Section 9.05. Floodplain

Where any part of a tract lies within a Floodplain, the Owner shall comply with all applicable requirements of the Stephens County floodplain ordinance adopted under Chapter 16, Subchapter I, Texas Water Code, and with the National Flood Insurance Program. The plat shall delineate the limits of the Floodplain and, where the Floodplain is mapped, the minimum finished floor elevations applicable to affected Lots.

ARTICLE 10

PLAT REVISIONS, AMENDMENTS, AND CANCELLATION

Section 10.01. Plat Revision

A property owner may apply to the Commissioners Court to revise an existing recorded subdivision plat. Plat revisions are governed by Texas Local Government Code § 232.009 and the procedures of this Section.

A. Application

The application shall be in writing and shall include a proposed revised plat showing the changes.

B. Notice

Unless an exception applies, the County shall publish notice of the application in a newspaper of general circulation in Stephens County three (3) times, between thirty (30) and seven (7) days before the meeting at which the application will be considered. If any portion of the subdivided tract has been sold to non-developer owners, the County shall also send notice to each such owner by certified or registered mail, return receipt requested.

C. Exceptions to Newspaper Notice

The newspaper-notice requirement does not apply where the revision merely combines existing tracts (for example, by eliminating an interior lot line).

If the Commissioners Court determines that a revision does not affect a public interest or public property, written notice to owners within 200 feet of the affected plat, together with a posting on the County website for at least 30 days before the meeting, satisfies the notice requirement.

D. Approval

The Court may approve the revision if it finds that the revision will not interfere with the established rights of any owner of part of the subdivided land, or that each affected owner has agreed to the revision in writing.

Section 10.02. Amending Plat

A property owner may apply to the Court for an amending plat to correct minor errors or omissions on a previously recorded plat, including: (i) errors in course or distance; (ii) omitted courses or distances; (iii) errors in property descriptions; (iv) errors in the location or character of a monument; (v) other scrivener or clerical errors, including lot numbers, acreage, street names, and adjacent recorded plat references; and (vi) adjustments to a lot line between two adjacent lots where both owners join in the application, neither lot is abolished, and no recorded covenant or restriction is removed.

Notice, hearing, and consent of other lot owners are not required for an amending plat. § 232.011. An amending plat controls over the preceding plat and does not require the preceding plat to be vacated, revised, or canceled.

Section 10.03. Cancellation (Vacation)

A landowner may apply to the Court to cancel all or part of a recorded subdivision and restore the property to acreage tracts. § 232.008.

- Notice of the application shall be published in a newspaper of general circulation in Stephens County for at least three (3) consecutive weeks before the hearing date.
- The Court shall authorize cancellation if owners holding seventy-five percent (75%) of the property interest apply for it.
- If owners of at least ten percent (10%) of the affected property file written objections, cancellation is at the Court's discretion.
- After the cancellation instrument is filed, the County Tax Assessor-Collector shall assess the property as if it had never been subdivided.

ARTICLE 11

MANUFACTURED HOME RENTAL COMMUNITIES

Section 11.01. Definition and Applicability

A "Manufactured Home Rental Community" is a tract of land separated into two (2) or more spaces or lots that are rented, leased, or offered for rent or lease, for a term of less than sixty (60) months without a purchase option, for the installation of manufactured homes for residential use.

A Manufactured Home Rental Community is not a subdivision under Articles 3 through 10 of these Regulations. § 232.007(b). However, the Commissioners Court has adopted, by separate Order pursuant to § 232.007, minimum infrastructure standards for such communities, summarized in this Article.

Section 11.02. Infrastructure Development Plan

Before construction of a Manufactured Home Rental Community begins, the Owner shall submit an infrastructure development plan to the County Judge's office addressing:

- (a) Drainage in accordance with sound engineering practice, including any necessary culverts and identification of any portion of the tract within the 100-year floodplain;
- (b) Adequate public or community water supply or, where applicable, individual wells, in accordance with Chapter 341, Texas Health and Safety Code;
- (c) Adequate access to public or community sanitary sewer, or adequate OSSFs in accordance with Chapter 366, Texas Health and Safety Code;
- (d) A survey identifying community boundaries and significant features, including the proposed location of rental spaces, utility easements, and dedications of rights-of-way; and
- (e) Streets adequate for fire and emergency-vehicle ingress and egress.

Section 11.03. Review Timeline

Not later than the 60th day after a development plan is submitted, the County Engineer or other person designated by the Commissioners Court shall approve or reject the plan in writing. A rejection shall specify the reasons and the actions required for approval. Failure to act within the 60-day period constitutes approval.

Section 11.04. Certificate of Compliance Required Before Service

No utility provider listed in Texas Local Government Code § 232.007(j) shall provide water, sewer, gas, or electric service to a Manufactured Home Rental Community or to any manufactured home in the community unless the Owner provides a copy of the County's Certificate of Compliance issued under § 232.007(g).

Section 11.05. Standards Limited to Those Allowed by Statute

The minimum infrastructure standards adopted under this Article shall not be more stringent than the standards applicable to subdivisions, and the ingress/egress standards shall be only those reasonably necessary for fire and emergency-vehicle access. § 232.007.

ARTICLE 12

FEEs, BONDS, AND FINANCIAL GUARANTEES

Section 12.01. Application Fees

The Commissioners Court shall, by order, set a fee schedule for plat applications, set out in Exhibit B. The fee schedule may scale with the number of proposed Lots, total acreage, or the type and extent of proposed improvements, but it shall:

- Reflect the County's actual cost of reviewing and processing the application;
- Not be based on the value of the land or the value or cost of constructing any improvements, consistent with Texas Local Government Code § 232.901;
- Be published, together with the County's hourly rate and estimated direct staff time (where calculated under § 232.901(c)(2)), on the County's website; and
- Be reviewed by the Court at least once every two (2) years to confirm that fees remain reasonable.

The County may not require an Applicant to disclose the value of, or cost of constructing, any residential dwelling or public infrastructure improvement as a condition of plat approval, except as required by FEMA for participation in the National Flood Insurance Program. § 232.901(d).

Section 12.02. Performance Bond When Improvements Are Required

Where the Commissioners Court requires public improvements (such as roads or drainage facilities) to be constructed as part of a subdivision, the Subdivider shall execute a performance bond before subdividing. § 232.004. The bond shall:

- (6) Be payable to the County Judge of Stephens County or successor in office;
- (7) Be in an amount the Court determines adequate to ensure proper construction of the required improvements, not exceeding the actual cost of construction;
- (8) Be executed with sureties approved by the Court;
- (9) If executed by a corporate surety, be issued by a company authorized to do business as a surety in Texas; and
- (10) Be conditioned on completion of the work in accordance with the County's adopted specifications within a reasonable time set by the Court.

Section 12.03. Alternatives to a Bond

In lieu of a performance bond, the Subdivider may furnish:

- A cash deposit, held by the County Treasurer in trust for the construction of the required improvements;

- An irrevocable letter of credit issued by a federally insured financial institution naming the County Judge of Stephens County as sole beneficiary; or
- Another financial guarantee acceptable to the Commissioners' Court. § 232.0045.

Section 12.04. Pipelines

As provided by HB 206 of the 89th Texas Legislature (Regular Session, 2025), the County shall not require a cash bond as a condition of approval for the construction of a pipeline within the County.

Section 12.05. Rough Proportionality

If, as a condition of plat approval, the County requires the Subdivider to bear a portion of the cost of County infrastructure improvements through dedications, fees, or construction costs, the Subdivider's portion shall not exceed the amount that is roughly proportionate to the proposed development, as determined by a Texas-licensed Engineer retained by the County. § 232.110.

The County's determination shall be completed within thirty (30) days of the Subdivider's application for determination. The Subdivider may appeal to the Commissioners Court and, thereafter, to the district court of Stephens County. A prevailing Subdivider on appeal is entitled to costs and reasonable attorney's fees, including expert witness fees.

Section 12.06. Developer Participation Contracts

The Commissioners Court may, by Order, enter into a contract with a Subdivider under which the County participates in the cost of public improvements related to a subdivision, up to thirty percent (30%) of the total contract price, or up to one hundred percent (100%) of the cost of any oversizing of improvements required by the County to accommodate other future development. § 232.105. The contract shall require the Subdivider to execute a performance bond under Chapter 2253 of the Texas Government Code.

ARTICLE 13

VARIANCES

Section 13.01. Authority to Grant Variances

The Commissioners Court may grant a variance from the design standards in Articles 7 through 9 of these Regulations when strict application of those standards would result in unnecessary hardship to the Owner because of unique conditions of the property — such as topography, shape, soil, or pre-existing structures — and where the variance can be granted without compromising public health, safety, or welfare.

Section 13.02. Limits on Variances

Notwithstanding Section 13.01, the Court shall not grant a variance:

- That conflicts with state law or with a requirement of these Regulations that is mandated by state law;
- Based solely on financial or economic hardship to the Applicant;
- That would result in a violation of the Texas Flood Control and Insurance Act or the National Flood Insurance Program; or
- Regarding the performance-bond or financial-guarantee requirements of Article 12.

Section 13.03. Application

An Applicant seeking a variance shall submit a written application to the County Judge's office that:

- (11) Identifies the specific provision of these Regulations from which the variance is requested;
- (12) Describes the unique conditions of the property that justify the variance;
- (13) Explains why granting the variance will not be detrimental to public health, safety, or welfare and will not impair the orderly subdivision of other land in the area; and
- (14) Describes any alternative measures the Applicant proposes to mitigate the impact of the variance.

Section 13.04. Findings and Conditions

The Court may grant a variance only if it makes specific written findings, recorded in the minutes, that:

- (1) Special circumstances or conditions of the land would deprive the Applicant of reasonable use of the property if these Regulations were strictly applied;
- (2) Granting the variance will not be detrimental to public health, safety, or welfare or injurious to other property in the area;
- (3) Granting the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with these Regulations; and

(4) The variance is the minimum needed to address the hardship.

The Court may impose conditions on a variance to mitigate its impact. Variances are not transferable except upon written application and approval by the Court.

ARTICLE 14

ENFORCEMENT AND PENALTIES

Section 14.01. Statutory Authority

These Regulations are enforced under Texas Local Government Code § 232.005 and other applicable law.

Section 14.02. Civil Remedies

At the request of the Commissioners Court, the County Attorney or other prosecuting attorney for Stephens County may file an action in a court of competent jurisdiction to:

- (1) Enjoin a violation or threatened violation of these Regulations or any related requirement adopted by the Commissioners Court; and
- (2) Recover damages in an amount adequate to enable the County to undertake any construction or other activity necessary to bring about compliance.

Section 14.03. Criminal Penalty

A person commits an offense if the person knowingly or intentionally violates a requirement of these Regulations. An offense under this Section is a Class B misdemeanor. Each day a violation continues constitutes a separate offense.

Under Texas law, a real estate agent, broker, lender, attorney, surveyor, engineer, title insurer, or other person who solicits, encourages, directs, aids, or attempts to aid another in committing an offense may be jointly responsible as a party to the offense.

Section 14.04. Plat Refusal and Recordation

The County Clerk shall not record any plat that has not been approved by the Commissioners Court as required by Texas Property Code § 12.002 and these Regulations. The County Clerk and, where designated, a staff member of the Commissioners Court should periodically review recorded deeds and contracts to detect divisions of land that may evade plat requirements. § 232.005.

Section 14.05. Refusal of OSSF Permit

Stephens County is not currently an authorized agent of TCEQ for OSSF permitting and therefore does not issue OSSF permits directly. However, where a tract has been subdivided without compliance with these Regulations, the County shall notify TCEQ of the violation and request that TCEQ decline to issue an OSSF permit for the affected tract until the violation is cured. If and when the County obtains authorized agent status, the County shall refuse to issue an OSSF permit for any tract that has been subdivided in violation of these Regulations until the violation has been cured.

Section 14.06. Performance Bonds and Letters of Credit

Where a performance bond or other financial guarantee has been posted, the County may, upon failure of the Subdivider to construct or maintain required improvements, draw on the bond or guarantee in accordance with its terms and Article 12.