



UPSHUR COUNTY CLERK

Home Subdivision Plats...

Introduction To Subdivision Plats



A subdivision is the division of any lot, tract, or parcel of land into two or more lots or sites for the purpose of sale or development, whether immediate or future, including the re-subdividing of existing lots in lawfully platted land, or combining two or more lots into the same number or fewer lots with different boundaries. A subdivision plat is a map of a subdivision of land into lots and blocks, and is the product of a process that simplifies legal property descriptions and dedicates lands for public use.

Texas adopted state enabling legislation for zoning and subdivision in 1926. These regulations have evolved into many of the development controls we know today. Land development regulations such as zoning and subdivision ordinances exist to promote compatible land uses, ensure proper design and construction standards and promote the overall public good. Chapter 211.001, Texas Local Government Code states that the purpose of land use regulations is to promote the public health, safety, morals, or general welfare and protecting and preserving places and areas of historical, cultural or architectural importance and significance.

The subdivision process ensures that a project on a legally subdivided lot has proper space for certain kinds of development and the required utility easements and roadways.

Requirements For Filing Plats

REVISED SPECIFICATIONS FOR SUBDIVISION PLATS AS REQUIRED BY THE COMMISSIONERS COURT UPSHUR COUNTY, TEXAS

(Recorded Sept. 20, 2000)

1. All subdivision plats must be approved by the Commissioners Court before filing with the County Clerk for recording.
2. All subdivisions are to be surveyed and platted by a Registered Surveyor or Engineer.
3. All main artery streets in a subdivision must be not less than 50 feet in width and

all other streets in the subdivision must be not less than 40 feet in width. Streets to have a minimum crown slope of 0.02 feet per foot on each side of centerline.

4. No street or road will "Dead End". Must have Cul-de-Sac at end with 50 foot radius as a minimum.
5. Streets will be built so that there will be proper drainage, and all drainage structures will be of a size large enough to handle all water. Drainage structures must be permanent type.
6. All streets must have a base approved by a representative of the Commissioners Court (4" to 6" gravel) and a minimum compacted riding base of two inches oil and sand mix. Minimum road oil requirements is one barrel (42 gals.) Pr 150 square feet of road surface. Oiled sand surface minimum width of 20 feet.
7. Curbs (which are optional) must be built to a standard approved by the Court, if required, and all work on subdivision streets or roads must be approved by the Court.
8. All roadway ditches shall have a minimum depth below subgrade of 12 inches, and all front and back slopes shall be sodded or covered with oiled sand.
9. A good and sufficient surety bond made payable to the County Judge or his successors in office is required, assuring the proper construction of such roads and streets affected. Such bond must be in an amount not to exceed the cost of construction of said roads and streets and guaranteeing the constructing in accordance with the specifications of the Commissioners Court of Upshur County, Texas.
10. If the subdivision is within the extra-territorial jurisdiction of a City, the City must approve the subdivision first. No percolation test will be required if the City states its test sewage system will serve the subdivision, otherwise a percolation test is required and a qualified Engineer must certify that the soil is good enough and the subdivision lots are big enough to handle all necessary lines, etc. for a septic tank. No subdivision plat will be accepted unless accompanied by an approved percolation test.
11. All costs are to be paid by the owner or developer.

SECTION A - GENERAL

1.01 Plat Required

A. According to Local Government Code Chapter 232.001, the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to lay out a Subdivision of the tract, including an addition; lots; or 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 must have a Plat of the Subdivision prepared.

1. A division of a tract under this subsection includes any division, regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract by a deed, by using a contract of sale or other executory contract to convey, or by using any other method.
2. In accordance with Local Government Code Section 232.0015, a

Subdivision Plat is not required if the owner of a tract of land divides the tract into two or more parts and does not lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts, and:

- a. The land is 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; or
 - b. The tract is divided into four or fewer parts and the parts are sold, given, or otherwise transferred to an individual who is related to the owner within the third degree of consanguinity or affinity, as determined under Chapter 573, Government Code; or
 - c. All of the lots of the subdivision are more than 10 acres in area; or
 - d. All of the lots are sold to veterans through the Veterans' Land Board program; or
 - e. The tract is owned by the state or other state agency, board or commission or owned by the permanent school fund or any other dedicated funds of the state; or
 - f. The owner of the land is a political subdivision of the state, the land is situated in a flood plain, and the lots are sold to adjacent landowners; or
 - g. One new part is to be retained by the owner, and the other new part is to be transferred to another person who will further subdivide the tract subject to the plat approval requirements of these regulations; or
 - h. All parts of the tract are transferred to persons who owned an undivided interest in the original tract, and a plat is filed before any further development of any part of the tract.
3. If the tract described in Sections 2a, b, c, d, e, f, g, or h ceases to meet the exemption described therein, then platting requirements shall immediately apply.
- B. Subject to the exemptions in Section A 1.0 A 2a-H, no land shall be divided and sold or conveyed until the Subdivider:
1. Has received approval of a Final Plat of the tract; and
 2. Has filed with the County Clerk, a legally approved plat for recordation in the Map Records of the County.
- C. These rules and any preceding rules shall apply to land which has been divided on or after September 1, 1999. A division of a tract referenced in this section is defined as using a metes and bounds description in a deed of conveyance or in a contract for a deed, using a contract of sale or other executory contract, purchase option rental agreement, or using any other method to convey property.
- D. Approval of a Plat by the Commissioners Court shall not be deemed an

acceptance of the proposed dedications, if any shown thereon, and shall not impose any duty upon the county concerning maintenance or improvements of an such dedications. The Commissioners Court determines which dedications will be accepted for County maintenance after the Owner maintenance period has expired.

E. Manufactured Home Rental Communities.

A property developed as a manufactured home rental community and not subdivided from another tract as defined in Section A 1.0 of these Regulations is not subject to the subdivision regulations established herein. However, the owner who intends to use the land for a manufactured home rental community must have an infrastructure development plan prepared that complies with the minimum infrastructure standards established in Section A 3.0 of these Regulations. A Manufactured Home Rental Community is a plat or tract of land that is separated into two or more spaces or lots that are rented, leased, or offered for rent or lease, for a term of less than 60 months without a purchase option, for the installation of manufactured homes for use and occupancy as residences.

2.00 Plat Processing

A. Timely Approval of Plats.

Plats are to be review in an expeditious manner by the _____.
The following establish requirements for timely approval;

1. All documents and other information identified on the Final Plat Submission Checklist of these Regulations shall be provided to the _____.
2. If a person submits a Plat application to the _____ that does not include all of the documentation or other information identified on the Final Plat Submission Checklist, the _____ shall, not later than the 10th business day after the date of receipt of the Plat, notify the applicant of the missing documents or other information.
3. An application that contains all the document and other information listed on the Final Plat Submission Checklist is considered complete and ready for review.
4. Final action shall be taken on the Plat application not later than the 60th day after the date the completed Plat application is received by the _____.
5. If the Commissioners Court or the County Engineer disapproves a Plat application, the applicant shall be given a complete list of the reasons for the disapproval.
6. The 60 day period:
 - a. May be extended for a reasonable period, if agreed to in writing by the applicant and approved by the County Engineer;
 - b. May be extended 60 additional days if a takings impact assessment is required in connection with a Plat application as per Chapter 207, Government Code; and
 - c. Applies only to a decision wholly within the control of the

Commissioners Court or the County Engineer.

7. The County Engineer shall make a determination on Section A 2.0 A.6 of whether the 60 day period will be extended not later than the 20th day after the date a completed Plat application is received by the County Engineer.
 8. If the Commissioners Court or the County Engineer fails to take final action on the Plat, in accordance with this section, then:
 - a. If the Commissioners Court has assessed a Plat application fee, the Court shall refund the greater of the unexpended portion of the Plat application fee or deposit or 50 percent of the plat application fee or deposit that has been paid;
 - b. The Plat application is granted by operation of law; and
 - c. The applicant may apply to a District Court in Upshur County for a writ of mandamus to compel the Commissioners Court to issue documents recognizing the Plat's approval.
 9. Section A 2.0 of these regulations applies only to a Plat application submitted to the County on or after October 1, 1999.
- B. Certification that adequate groundwater is available for the Subdivision. If groundwater is the source of water supply for the subdivision, the Commissioners Court requires a statement attached to the Plat application, prepared and sealed by a licensed professional engineer registered to practice in Texas, that certifies that adequate groundwater is available for the subdivision, according to the certification form and contract as promulgated by the Texas Natural Resources and Conservation Commission.

3.00 Infrastructure Development Plan

- A. In accordance with Local Government code Section 232.007, an Infrastructure Development Plan (IDP) is required for all manufactured home rental communities, as defined in Section A 1.0 E of these regulations, developed after August 30, 1999.
1. The development shall have a minimum of sixty (60) feet fronting a street or roadway which has been previously dedicated to the public for the public's use and benefit as a street or roadway. Access roads to the individual rental spaces must be constructed and paved to a minimum width of 20 feet with a 1 1/2 inch thick Hot Mixed Asphaltic Concrete (HMAC) paved surface, 8 inch thick crushed stone base, and, if located in clay or sandy soils, a 10 inch thick treated subgrade.
 2. No space may contain more than one single family residential unit. No common driveways shall be allowed. Each space shall have separate and individual access.
 3. A survey of the property shall be submitted to the County _____ prior to the request by the owner or occupier of the lot for any permit and/or utility services.
 4. The owner shall submit letter of application, signed by the owner, that stipulates the intention of the owner; name, address, phone number of the owner, names of water and electricity providers; and name of

wastewater provider or type and usage of on-site sewage facilities.

B. The Manufactured Home Rental Community Infrastructure Development Plan (IDP) shall show at minimum the following:

1. Only 18" x 24" sheets will be acceptable and at a maximum scale of 1" = 200' (1"= 100' preferred), or as approved by the County Engineer. An index on the first sheet is required when more than two sheets are required for the IDP.
2. Names, locations, dimensions (bearings and distance), and layouts of existing and proposed streets, alleys, easements, and other public rights-of-way and public/private encumbrances (deed restrictions, etc.) on the property and any proposed street right-of-way, easement, alley, park, or other public dedication.
3. Dimensions, bearings and distance, for the proposed rental spaces.
4. Signatures and date of approval and certifications on the IDP. These approval signatures shall be not more than six (6) months prior to the submission. Examples of the required acknowledgments and certifications are as contained in the exhibits attached hereto.
5. Legal description, acreage, and name of the proposed Development. The Development's name shall not be spelled or pronounced similarly to the name of any existing Development or Subdivision located within the County.
6. The boundary of the Development indicated by a heavy line and described by bearings and distances.
7. Scale, legend, north arrow, spot elevations on 100' or an appropriate grid, with two foot (2.0') contour lines. Alternate contour intervals may be submitted, based on terrain, with approval from the _____.
8. Deed record, name of owner, volume and page number of adjoining properties.
9. Dates of survey and preparation of IDP.
10. Identification code, location, description, and elevation of the USGS or appropriate benchmark used in the survey.
11. Front building setback lines. Back and side building setback lines by note.
12. Location of any City's corporate limit line or extra territorial jurisdiction line.
13. Vicinity map with streets, ditches, general drainage flow directions to the ultimate outfall, city limits and ETJs, and other major land features.
14. Net area (gross area less easements) of rental spaces to the nearest 11100 of an acre For lots using On Site Sewage Facilities and/or well water.
15. Limits of flood hazard areas as defined by the appropriate FEMA FIRM panel and the proposed finished floor elevation of buildings within these

flood hazard areas on each space.

16. A certification by a Surveyor or Engineer describing any area of the Development that is in a Flood plan or stating that no area is in a Flood plain, as delineated by the appropriate FEMA FIRM panel and date.
 17. A surveyor's signature and seal on the IDP for certification.
 18. The description of the water and sewer facilities, electricity and gas utilities, and roadways and easements dedicated for the provision of water and sewer facilities that will be constructed or installed to serve the Development and a statement of the date by which the facilities will be fully operable, prepared by an Engineer (may be included in an attached document). A certification must be included that the water and sewer facilities described by the IDF, or document attached to the IDP, are in compliance with these Regulations.
 19. Approvals by other regulatory and governing bodies, as required.
- C. The IDP submittal shall also include the following documents.
1. Letters signed dated date from water, wastewater, and electric utilities of service commitment and availability and statement of approval of existing and proposed utility easements, or letter of certification as required by the County of Upshur.
 2. A tax certificate showing that all taxes currently due with respect to the original tract have been paid.
 3. Results of soils analysis certified by a qualified site evaluator (as defined by 30 TAC Chapter 285) for on-site facilities (OSSF).
 4. Engineering Design Construction Plans for roadway access for each rental space for fire and emergency vehicles.
 5. Drainage design plans to ensure adequate drainage off of the rental spaces to drainage channels and out of the Development, including the design of drainage structures, culverts, and/or systems using a 10 year storm frequency, such that the drainage of the Development does not have a negative drainage impact on neighboring properties. If additional right of way (ROW) is required by existing County road drainage and access as determined by the County Engineer to achieve a 60 foot wide Right of Way or to meet requirements of Upshur County, the owner shall dedicate these rights of way to the County.
 6. The Engineering Report, as described in Section A 4.0 of these Regulations.

D. Inspection of Improvements.

Construction of a proposed Manufactured Home Rental Community may not begin before the date the County Engineer approves the IDP. Periodic Inspection of improvements may be required, as directed by the County Engineer. If the County Engineer directs that a final inspection is required, it must be completed not later than the second business day after the date the County Engineer receives a written confirmation from the owner that the construction of the infrastructure is complete. If the inspector determines that the infrastructure improvements comply with the IDP, then the County Engineer shall issue a Certificate of Compliance not later than the fifth

business day after the date the County Engineer receives written confirmation from the owner that the infrastructure has been completed and in compliance with the IDP.

E. Utilities.

A Utility may not provide utility services, including water, sewer, gas, and electric services, to a Manufactured Home Rental Community subject to an IDP or to a manufactured home in the community unless the owner provides the utility with a copy of the Certificate of compliance issued by the County Engineer. This requirement applies to:

1. A municipality that provides utility services;
2. A municipality owned or municipally operated utility that provides utility services;
3. A public utility that provides utility services;
4. A nonprofit water supply or sewer service corporation organized and operating under Chapter 67, Water Code, that provides utility services;
5. A county that provides utility services; and
6. A special district or authority created by state law that provides utility services.

F. Timely Approval of Infrastructure Development Plans.

Not later than the 60th day after the date the owner of a proposed manufactured home rental community submits an infrastructure development plan for approval, the County Engineer shall approve or reject the plan in writing. If the plan is rejected, the written rejection must specify the reasons for the rejection and the actions required for approval of the plan. The failure to reject a plan within the period prescribed herein constitutes approval of the plan.

4.00 Engineering Report for Manufactured Home Rental Communities

This report, which shall be signed, dated, and sealed by a licensed professional engineer registered in Texas, shall contain detailed and definite information on the following:

A. Water Supply Facilities

1. Public Water Systems

- a. If the water supplier is a political subdivision of the state: a city, municipality, utility district, water control and improvement district, nonprofit water supply corporation, etc., the Developer shall furnish a signed letter of service availability from the water supplier to provide the state's minimum requirements of quality and quantity of water to the proposed Development.
- b. Where there is not existing facility or owner intending to construct and maintain the proposed water supply facilities, the Developer may establish an investor-owned utility or create a municipal utility district and obtain a Certificate of Convenience and Necessity (CCN) from the Texas Natural Resources Conservation Commission (TNRCC) and include evidence of the CCN issuance for the

Development area. Prior to IDP approval, plans and specifications for the proposed water facilities system shall have been approved all entities having jurisdiction over the proposed project, including TNRCC.

- c. Water service must be extended into the Development to each lot or rental space if the existing water lines are located within 300 feet of the Development and if there is sufficient water available by the water supplier.
2. Private Wells or Non-public Water Systems.
Quantitative and qualitative results of sampling test wells in accordance with requirement promulgated by the TNRCC and the Texas Department of Health shall be included by individual wells are proposed for the supply of drinking water to residence and other establishments. The results of the analyses shall be made available to the prospective property owners or renters.
3. Prior to IDP approval, plans and specifications for the proposed water facilities system shall have been approved by all entities having jurisdiction over the proposed project, including TNRCC. Evidence of the approvals shall be included in the Engineering Report.

B. Wastewater Disposal Facilities

1. Centralized Sewerage Facilities
 - a. If wastewater treatment is provided by a political subdivision of the state (city, municipality, utility district, water control ask improvement district, nonprofit water supply corporation or an existing investor-owned water supply corporation, etc.) the Developer shall furnish a signed letter of service availability to provide the state's minimum wastewater treatment standard for the proposed Development from the utility.
 - b. Where there is no existing entity or owner to build or maintain the proposed wastewater treatment and collection facilities. The Developer may establish an investor-owned utility or a municipal utility district by obtaining a Certificate of Convenience and Necessity (CCNO from the TNRCC.
 - c. Prior to IDP an appropriate permit to treat and/or dispose of wastes for the ultimate build-out of the Development shall have been obtained from the TNRCC and plans and specifications for the proposed wastewater collection and treatment facilities shall have been approved by all entities having jurisdiction over the proposed project, including TNRCC. Evidence of the approvals shall be included in the Engineering Report.
 - d. Wastewater disposal service must be extended into the Development to each lot or rental space if the existing wastewater lines are within 200 feet of the Development and there is sufficient wastewater capacity available from the wastewater service provider.
2. On-site Sewage Facilities.
The engineering report shall include soils analysis results as required under the Upshur County Regulations for On-Site Sewage Facilities.

C. Roadways.

The Engineering Report shall include a description of the roadways within the Community, and include information on the roadway cross section, pavement width and thickness, base thickness, subgrade treatment, material specifications, and other information as required in these Regulations, Plans and specifications for these improvements shall also be submitted to the County Engineer for approval prior to constructions.

D. Signage Plan.

A signage plan for the streets to be constructed, if any, is to be included that shows an overall street layout depicting the location and description of signs and traffic control devices to be installed. The traffic control devices will include street name signs, stop signs, yield signs, speed limit signs, directional controls, striping, and delineators, etc.

E. Traffic Impact Study.

For Manufactured Home Rental Communities of 100 spaces or greater, the Engineering Report may, at the request of the County Engineer, be required to include a Traffic Impact Study in accordance with the requirements of Upshur County to assess the effects of additional on the existing and proposed transportation system.

F. Drainage.

The Engineering Report shall include information on the Development and roadway drainage, culverts, conveyance, outfalls, and other information as required to properly convey storm water within and away from the Development. Plans and specifications for these improvements shall also be submitted to the County Engineer for approval prior to construction.

G. Electronic Submission.

A computer floppy disk or CD-ROM with a file in AutoCAD format (.dwg) of the layout of the lots and streets (to scale and with state plane coordinates) within the Development shall be submitted for incorporation into the county-wide map.

Related Resources

[Subdivision Plat Specifications](#)
[Frequently Asked Questions](#)
[Fee Schedule](#)
[Resources & Links](#)

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