

**Q & A**  
**Subdivision Regulation**  
**Brewster County Subdivision Regulations**

**Who approves plat applications? Is there a County Planning Commission now?**

Commissioners Court currently serves as the County Planning Commission. All hearings and proceedings under the Subdivision Regulations are before Commissioners Court and Commissioners Court makes all final decisions related to subdivision plat applications.

**Are there exemptions to these Subdivision Regulations?**

Definitely. These regulations only apply to Subdivisions in which any Lots are less than 10 acres. To put it another way, any subdivision of land, whether for residential or commercial purposes into two or more parts, all parts of which are 10 (ten) acres in size and larger, is exempt from these regulations.

**How is a plat approved by Commissioners Court? Where is it filed?**

Brewster County uses a two step process:

1. Preliminary Plat Approval
  - a. The Preliminary Plat (5 required copies) is filed with the Brewster County Clerk's office, together with the Preliminary Plat Application. The Application form is in the Subdivision Regulations. (Appendix A-2)
  - b. The preliminary plat is then reviewed by various County officials, including the County Attorney, Road and Bridge Superintendent, Commissioner in whose precinct the Subdivision is located and County OSS (septic tank) Inspector. The County Judge will make sure that each of those officials gets a copy of the plat and in a timely fashion.
  - c. The subdivider must publish notice of the filing of the plat within 2 weeks after filing the preliminary plat (See appendix A-6 for a suggested notice form.)

- d. After the plat has been on file at least 21 days, Commissioners Court can consider the preliminary plat at a regular or called meeting. The subdivider or a representative of the subdivider must be present at the meeting. At that meeting, member of the public may comment on or ask questions about the plat. Commissioners may then approve the preliminary plat or ask that additional work be done and hold additional meetings before approving the preliminary plat.

## 2. Final Plat Approval

- a. Commissioners Court must wait at least 10 days after preliminary approval before giving final approval .
- b. If all requirements have been met, final approval may be given at a regular or called meeting of Commissioners Court. Commissioners can sign the plat. The plat is then filed in the public records of the County Clerk's office.

### **Comments/Hints:**

1. Remember that the Alpine Avalanche publishes once a week, on Thursdays. Take this into consideration when calculating how long it will take to get your plat approved by Commissioners Court. Allow at least 45 days from filing for final approval of a plat.
2. Commissioners Court ordinarily has two regular meetings a month, on the 2<sup>nd</sup> Tuesday and 4<sup>th</sup> Tuesday. Occasionally, these dates may be moved due to conflicts, etc. This Commissioners Court also has called meetings on a fairly frequent basis. A plat may be considered at either a regular or called meeting. We will do our best to get your plats on the earliest possible agenda.

### **Will Commissioners Court grant variances to the Subdivision Regulations?**

Commissioners Court will consider variances and exceptions, as particular circumstances related to terrain, population density or other matters may warrant. This County is huge. What works in one part of the County may not work in another part. However, any request for a variance must be well justified. Commissioners Court can't grant variances just to save a Developer money or time.

**Caution: Commissioners Court may not grant variances or exceptions related to EDAP Model Subdivision Rules in Type I subdivisions. These are subdivisions with lots of 5 acres and less.**

**Who came up with these EDAP regulations and why does the County have them?**

1. Your State Legislature promulgated these regulations for All Border Counties.
2. These “one size fits all” regulations are not really appropriate here because Brewster County is not a typical border county. We don’t have a large dense population living in substandard subdivisions (That’s the situation which these regulations were designed to address.)

**Can a developer mix lots of County 5+ acres with lots of under 5 acres and not comply with EDAD regulations?**

No. The 5 acre and under lots throw the development into EDAP regs.

**Why must Brewster County enforce these EDAP regulations?**

Almost all of the County’s infrastructure grant funding is tied to State mandated adoption and enforcement of these EDAP regulations. Moreover, the State has the authority to file suit against the County for failure to adopt and enforce these regulations.

**Can a developer mix lot acre tracts and smaller lots in a single subdivision and still be exempt from plat requirements?**

No

**Cost and Time Saving Suggestions for Applicants**

1. A final plat may also serve as a preliminary plat. Consider this if before filing, your plat is already almost in final form.
2. By all means, applicants should get appropriate professional help for preparation of plats, but please have one individual designated as a “point person” to deal with the County. It gets confusing when a Subdivision’s Developer, an Engineer, a Surveyor and a Realtor are all contacting the County with similar questions and are all trying to

schedule hearings. The Developer should designate who will be representing the Developer, both before Commissioners Court and on other issues related to the development.

3. The County's "point person" on subdivision regulations is the County Judge. That office will schedule and coordinate the plat approval process for Commissioners Court. Please always notify that office, just as soon as you intend to file a plat, well before the plat is actually filed, if at all possible.
4. It is better to address and solve potential problems with plat applications, before the plat is filed and goes before Commissioners Court. If it's helpful, the County Judge's office will schedule conferences with a developer and County personnel. In the case of large, complicated projects, we are also willing to schedule posted workshop meetings of Commissioners Court for the purpose of introducing a project, prior to actual filing of the plat.

### **What is the possibility of Commissioners Court immediately taking roads in a new subdivision into the County road system?**

The County has extremely limited resources; the chances are not good. Getting unpaved roads into the County Road System typically takes some years. However, if paved roads are offered to the County, then it's more likely that the Commissioners Court would accept those paved roads.

### **Why are there two types of lots of 5 acres and less subdivision in Brewster County?**

Type I subdivisions are for more dense development; more intense planning is required. More people will be closer together and traffic is a greater concern. In addition the State's mandatory EDAP requirements apply to Type I subdivisions.

Type II subdivisions are less dense, lots of above 5 acres but less than 10 acres. These requirements are, therefore, less restrictive. Streets and drainage are the main considerations here. Further, on large lots, there is greater latitude to deal with water and sewage disposal.

**Are there standards for what needs to be on a plat? Where does my surveyor go to find out what size the plat must be and how it should be drawn? DO I have to use a surveyor?**

Your surveyor should consult the subdivision regulations to find out how the plat should be drawn; it's set out in detail in the regulations. You can get the regulations from the County Judge's office; Yes you need a surveyor.

**Where do I get the forms to apply for plat approval?**

In the Subdivision Regulations or the County Judge's Office.

**What about water wells and septic tanks? How do I find out about these?**

- Consult the Brewster County Groundwater Conservation District about water wells (432) 837-6235 or (432) 386-3437.
- Consult the Brewster County OSS Inspector, Marshall McLean, regarding Septic tanks (432) 294-3021.

When planning a Subdivision, it's wise to touch base, first thing, with both the Groundwater Conservation District and the Septic Tank Inspector, especially if the subdivision will have both water wells and septic tanks.

Questions – Call (432) 837-2412. If we can't answer your questions, will at least try to point you in the right direction.