



**COMANCHE COUNTY,
TEXAS
SUBDIVISION
REGULATIONS**

*ADOPTED BY COMANCHE COUNTY, TEXAS
COMMISSIONERS COURT ON APRIL 26, 2021*

FILED
AT 11:00 O'CLOCK A M

APR 26 2021

County Judge: Hon. Stephanie L. Davis

County Commissioner, Precinct 1: Gary “Corky” Underwood

County Commissioner, Precinct 2: Russell Gillette

County Commissioner, Precinct 3: Sherman Sides

County Commissioner, Precinct 4: Jimmy Dale Johnson

County Clerk: Ruby Lesley

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SECTION I - COMANCHE COUNTY SUBDIVISION REGULATIONS

ARTICLE I: AUTHORITY, PURPOSE & SCOPE

Authority

These rules are adopted by the Commissioners Court of Comanche County, Texas, acting in its capacity as a governing body of Comanche County. These rules are adopted pursuant to Chapter 232 of the Texas Local Government Code.

Purpose

These Regulations have been prepared in general to aid in the orderly development of Comanche County, Texas, and provide guidelines which will lead to a desirable environment. Specifically, they have been prepared for the following purposes:

- a. To furnish the Owner with guidance and assistance in the expedient preparation and approval of his or her plat.
- b. To protect the citizens of Comanche County by providing subdivision and development guidelines for residential, commercial and industrial subdivisions.
- c. To provide for the welfare of the public by providing guidelines for the location, design, and construction of roadways, drainage improvements and other features that provide for the safety of the general public.
- d. To provide for the proper arrangement and construction of roads, and to ensure the proper relationship of roads to existing or planned roads.
- e. To ensure adequate access for emergency response vehicles.
- f. To ensure that Comanche County will not be burdened with substandard roads in the future.
- g. To regulate construction in a flood plain.
- h. To ensure proper placement and installation of on-site sewage facilities.
- i. To protect rights of owners of interest in groundwater.

Conflicts

In the event of a conflict between these rules and State Statutes, the State Statute will control. These rules are to be harmonized with city zoning where concurrent jurisdiction exists, but in the event of conflict, the most restrictive will control. In the event of a conflict with a homeowner's association rules, then the most restrictive will control.

Administration

The Commissioners Court of Comanche County, Texas shall administer these rules, which shall apply to all subdivisions whose plans, plats or re-plats are filed with the Comanche County Clerk on or after April 26, 2021.

ARTICLE II: PLAT REQUIRED

- (a) The owner of a tract of land located outside the limits of a municipality must have a plat of the subdivision prepared if the owner divides the tract into two or more parts to lay out:
 - (1) a subdivision of the tract, including an addition;
 - (2) lots; or
 - (3) streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.
- (b) A division of a tract under subsection (a) includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.

ARTICLE III: EXEMPTIONS

- (a) Comanche County may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:
 - (1) the owner does not lay out a part of the tract described by Article II (a)(3) of these Regulations; and
 - (2) 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.
- (b) If a tract described by Subsection (a) ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use, the platting requirements of these Regulations apply.
- (c) Comanche County may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into four or fewer parts and does not lay out a part of the tract described by Article II (a) (3) of these Regulations to have a plat of the subdivision prepared if each of lots is to be sold, given, or otherwise transferred to an individual who is related to the owner within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code. If any lot is sold, given, or otherwise transferred to an individual who is not related to the owner within third degree by consanguinity or affinity, the platting requirements of this subchapter apply.
- (d) Comanche County may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:
 - (1) all of the lots of the subdivision are more than 10 acres in area; and
 - (2) the owner does not lay out a part of the tract described by Article II (a)(3) of these Regulations.

- (e) Comanche County may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts and does not lay out a part of the tract described in Article II (a)(3) of these Regulations to have a plat of the subdivision prepared if all the lots are sold to veterans through the Veterans Land Board program.
- (f) These Regulations shall not apply to a subdivision of any tract of land belonging to the state or any state Agency, board, or commission or owned by the permanent school fund or any other dedicated funds of the state unless the subdivision lays out a part of the tract described in Article II (a)(3) of these Regulations.
- (g) Comanche County may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:
 - (1) the owner of the land is a political subdivision of the state;
 - (2) the land is situated in a floodplain; and;
 - (3) the lots are sold to adjoining landowners.
- (h) Comanche County may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two parts to have a plat of the subdivision prepared if:
 - (1) the owner does not lay out a part of the tract described by Article II (a)(3) of these Regulations;
and
 - (2) 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.
- (i) Comanche County may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:
 - (1) the owner does not lay out a part of the tract described by Article II (a)(3) of these Regulations;
and
 - (2) all parts 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.

ARTICLE IV: PROCEDURE

For the purposes of these Rules, "owner" shall mean the owner of a proposed subdivision, or said owner's designated representative. On or after the effective date of these Rules, all owners of proposed subdivision, except those set out in Article III of these Rules, shall submit a Plat to the Comanche County Commissioners Court which complies with the minimum infrastructure development standards adopted by this Commissioners Court.

On Site Assessment

The developer will consult at the proposed development site informally with the Commissioner in whose precinct said developer is working to give an overview of the proposed subdivision. Written permission from the property owner is required for developer/broker to build on property.

Pre-Application Meeting

The developer will consult informally with the Precinct Commissioner, County Judge, and County Attorney prior to preparing a formal application for its approval in order to save time and money. The Subdivision Rules packet will be handed to the developer and the process and requirements will be reviewed.

Formal Presentation of Plat Application

A Plat Application shall be submitted by filing the application together with all required documentation and the filing fee with the Comanche County Commissioners' Court or its designee. (Also referred to as the Preliminary Plat).

ARTICLE V: PLAT APPLICATION REVIEW AND APPROVAL PROCEDURE

Requirements of the Plat Application

Each plat application shall be submitted with the following information and materials:

- a. Three (3) copies or prints of the proposed subdivision drawn on a sheet maximum size of 24 inches by 36 inches and drawn to a scale of 100 feet to the inch (1-inch equals 100 feet) shall be submitted in the number specified herein above. In case of large developments which would exceed the dimensions of the sheet of 100-foot scale, preliminary plats may be 200 feet to the inch (1-inch equals 200 feet).
- b. Boundary lines, bearing and distances sufficient to locate the exact area proposed for the subdivision and shall identify the subdivision with respect to an original corner of the original survey of which it is a part, and distance and direction to the nearest State or U.S. Highway. All corners are to be marked with a permanent marker stamped with the name of the surveyor.
- c. The name and location of all adjoining subdivisions shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivision in sufficient detail to show accurately the existing roads and other features that may influence the layout of development of proposed subdivision. Adjacent unplatted land shall be so designated.
- d. The location and widths of all roads and ways existing or proposed within the subdivision limits. In case of easements, a written statement as to the easement use shall be included on the plat.
- e. The location of all existing property lines, buildings, sewers, or water mains, gas mains, or other underground structures, easements or other existing features within the area proposed for subdivision.
- f. Proposed arrangement of lots and proposed use of same; however, approval of a plat application with uses so indicated, does not constitute approval of such uses.
- g. The title under which the proposed subdivision is to be recorded, the name and address of the owner with the name of the Land Planner, Licensed Land Surveyor or Registered Professional Engineer platting the tract.
- h. Sites, if any, to be reserved or dedicated for parks, playgrounds, or other public uses.
- i. Scale, North arrow, date and other pertinent data.
- j. Contours with intervals of five feet (5') or less shall be shown for the area. All elevations on the contour map shall be referenced to the latest U.S.C. and G.S. data.

- k. All physical features of the property to be subdivided, including location and size of all water courses, ravines, bridges, culverts, existing structures, and other features pertinent to subdivisions. The outline of wooded areas or the location of important individual trees may be required.
- l. If the Subdivision does not intake all of the property owned by the developer a division line should be drawn differentiating property usage for roll back purposes.
- m. The Plat shall also include a written narrative which provides explanation as to how the owner proposes to satisfy the various requirements of these Subdivision Rules.
- n. Site suitability study for On site sewage facilities (OSSF) consisting of soil sample analysis by Licensed OSSF Installer or Comanche County Designated Representative .
- o. Groundwater availability certification by Texas Licensed Engineer or Texas Licensed Geoscientist.
- p. Subdivisions should have a drainage plan. An engineering drainage plan shall be submitted with the plat unless waived by the Commissioners Court. The engineering drainage plan shall be prepared by a registered professional engineer for the State of Texas and qualified in the field of storm run-off and drainage design. The drainage study will show the width of the right-of-way required to provide property drainage ditches and structures in order to properly dispose of the expected storm flow run-off. A typical cross section of the road and drainage ditches shall be provided in the report.
- q. Consultation verification with Middle Trinity Groundwater Conservation District.
- r. Consultation with utility provider.
- s. Paid Tax Certificate.
- t. Consultation with 911 addressing.

Designated County Official

Comanche County designates the Comanche County Commissioners Court as that entity responsible for approval or rejection of the preliminary plat. During review of the plat, the Comanche County Commissioners Court shall, if deemed necessary by the Court, consult with the County Attorney.

Time Limits for Approval

Not later than the 30th day after the date the owner of a proposed subdivision submits a plat application, the application shall be approved, rejected, or approved with conditions by the Comanche County Commissioners Court or its designee. The Comanche County Commissioners Court shall notify the applicant of its determination in writing. If the plan is approved, rejected, or approved with conditions the Comanche County Commissioners Court shall specify the reasons for the rejection or conditional approval in its written determination.

The 30-day time period may be extended for a period of 30 days, if the following conditions are met:

1. Requested and agreed to in writing by the applicant and approved by the commissioner's court or its designee;

or

2. Chapter 2007, Government Code, requires the county to perform a takings impact assessment in connection with the plat application;

The commissioners court or its designee shall make the determination of whether the 30-day period will be extended not later than the 20th day after the date the completed plat application is received.

If a plat application is rejected or conditionally approved, the applicant may submit a written response to the commissioner's court or its designee that satisfies each condition for the conditional approval or remedies each reason for the rejection. If a response is received, the commissioners court or its designee shall determine whether to approve or disapprove the applications within 15 days.

Approval

Failure to reject a Plat Application by the Comanche County Commissioners Court within the 30 days constitutes approval of the plan.

Construction Prohibited without Approved Plat Application

Construction of any proposed subdivision may not begin before the Comanche County Commissioners Court approves the proposed Preliminary Plat.

PERFORMANCE BOND

The county shall require bonding or a letter of credit in relation to the construction of public improvements. Performance bonds are required of all owners as set forth below.

- a. The owner or owners of any tract of land to be subdivided shall give a good and sufficient bond for the proper construction of the roads and drainage facilities in all subdivisions. Such bond may be either a performance bond executed by a surety company authorized to do business in the State of Texas, or an irrevocable letter of credit from an acceptable Texas bank.
- b. Such performance bond or letter of credit shall be made payable to "Comanche County Judge or his/her successors in office," conditioned that the owner or owners shall subdivide any such tract of land and all improvements shall be constructed in accordance with these Regulations.
- c. The performance bond or letter of credit shall be in an amount equal to the actual cost or contract amount of constructing such roads and drainage facilities.
- d. The performance bond or letter of credit, in an amount as established herein, shall be presented to the Commissioners Court Prior to subdividing the land and any construction starts. The county's auditor or county judge must approve, in writing, the form of said bond or letter prior to the date of submission to the Commissioners Court.
- e. Bond must remain in full force and effect until after all roads and all associated drainage improvements in the subdivision have been completed and have been approved by the county in accordance with these regulations as certified by the Commissioners Court.
- f. When the owner or owners of any tract of land to be subdivided has or have finished construction of all of these roads and drainage facilities in said subdivision in accordance with these regulations, the owner or owners shall give written notice of this fact to the Commissioners Court by giving notice to the County Judge.
- g. Before release of the performance bond, two County Commissioners shall inspect the roads and the owner shall remedy all deficiencies prior to release of the security. If the deficiencies are not properly remedied, the county shall draw on the security to make the necessary repairs.

FINAL AND RECORDED PLAT

Final and Recorded Plat

A final and recorded plat shall include the following:

1. Engineer Certification
All of the drainage plans and specifications of the drainage improvements contained in the Developer's subdivision application to Commissioners' Court shall be prepared by a Texas Registered Professional Engineer and all of the drainage improvements contained in the application shall be built under the supervision of such Engineer. Such Engineer shall certify in writing to the Commissioner's Court that as each segment or phase is completed, that such segment or phase has been built true and correct in accordance with the submitted plans and specifications and that the same was built under his supervision. This written certification shall be signed and sealed by such Engineer. All of the expenses of such engineering shall be paid for by the Developer.
2. Final Inspection
A final inspection of any proposed subdivision infrastructure upon its completion is required. Final inspection shall be made by two (2) Commissioners, i.e., the Commissioner in whose precinct the subdivision is situated as well as one other commissioner to be appointed by the County Judge. Final inspection shall be made prior to the Commissioners Court's approval and issuance of a Certificate of

Compliance. Said Commissioners shall make the final inspection not later than the second business day after the Comanche County Commissioners Court receives written confirmation of completion from owner.

3. Certificate of Compliance by Commissioners Court

If the Comanche County Commissioners Court determines that the Preliminary Plat has been properly carried out, the Commissioners Court shall issue a Certificate of Compliance within five (5) business days after the final inspection is completed. The Commissioners Court may delegate issuance of the Certificate of Compliance to the County Judge's office.

4. Corrective Action if Construction Not Approved

If the Comanche County Commissioners Court determines that the subdivision has not been properly carried out, then the owner shall be advised in writing and shall have thirty (30) days from the date of notification to make the required corrections or to perform the additional work required.

5. Standards for Approval.

The Commissioners Court shall approve a final plat if it satisfies the following standards:

- a. The plat is consistent with the approved preliminary plat;
- b. The plat conforms to each of the requirements contained in these Regulations.

After being considered at a meeting of the Commissioners Court, with a quorum being present, the final plat shall be acted upon by the Court. If the final plat is approved by order of the Court, then the County Judge shall sign the plat and shall so state the date of approval. The following certification shall be provided on the final plat:

"I hereby certify that this plat was approved this _____ day of _____, 20___, by the Comanche County Commissioners Court, and maybe filed for record in the Plat Records of Comanche County by the County Clerk."

"County Judge"

6. If all requirements of the Preliminary Plat and Final Plat are satisfied then may be approved in one Commissioners' Court meeting. Construction of improvements may proceed once requirements of Preliminary Plat are met and approved by Commissioners' Court and Performance Bond approved by Commissioners' Court, but no lots may be sold until requirements of both Preliminary Plat and Final Plat have been met and approved by Commissioners' Court and Final Plat has been filed with County Clerk, all fees paid, and Performance Bond approved or released by Commissioners' Court.

ARTICLE VI: WATER DRAINAGE

Lots and Private Property

Lots and private property shall be graded so that surface drainage from said property shall be taken to roads or drainage courses as directly as possible. Drainage water from roads shall be taken to defined drainage courses.

Roads without Curbs and Gutters

All roads without curbs and gutters shall have drainage ditches adjacent to and running parallel to said roads or roads. Said drainage ditches shall have minimum depth of twelve (12") inches below the level of the sub grade.

Permanent Drainage Structures

Permanent drainage structures, including but not limited to culverts, pipes, drainage boxes and bridges, shall be installed at all crossings of drainage courses, including drainage ditches with driveways and roads.

Types of Permanent Drainage Structures

The exact dimensions and type of permanent drainage structures including culverts, pipes, drainage boxes, and bridges shall be established for each subdivision by the Commissioners Court in its order granting or denying preliminary authorization of a subdivision plat.

Driveway Drain Pipes

Placement of driveway drain pipes and drain structures shall be made at the expense of the owner or developer upon receipt of a written approval of the County Precinct Commissioner prior to installation. No driveway drain pipe will be accepted unless it has a minimum drainage of fifteen inches (15") in diameter and a minimum length of twenty-two feet (22') if ends are concreted, however, the placement, length and diameter of a drain pipe must be inspected and approved by a County Commissioner prior to installation by the developer and it is within the Commissioner's discretion to alter the required size, length and placement if deemed necessary. Larger drain pipes shall be installed if necessary, to handle drainage based upon a ten-year flow frequency. An easement shall be required from any affected property owner or owners when the natural flow of water is changed.

Embankments

All roadways subject to flooding and high waters and all roadway crossing streams must have reinforced embankments to prevent erosion of said embankments, as approved by the precinct Commissioner.

Permanent Obstacles

Permanent obstacle, such as concrete or rock retards, shall be installed on the sloping sides of drainage ditches and drainage courses to prevent erosion where specifically designated by the Commissioners Court in its order granting or denying preliminary authorization to the subdivision plat.

Open Drainage Channels and Ditches

Open drainage channels and ditches shall be constructed with a proper cross-slope grade and an alignment which will facilitate proper functioning without destructive velocities of drainage waters.

Drainage Easements

All drainage easements in the land being authorized for development must be of adequate width, as determined by the Commissioners Court in its order granting or denying authorization of a subdivision plat, to permit drainage and flood control for all land whose natural drainage runs through the property being authorized for development.

Drainage Plan

An engineering 20-year flood drainage plan shall be submitted with the preliminary plat unless waived by the Commissioners Court. The engineering drainage plan shall be prepared by a registered professional engineer for the State of Texas and qualified in the field of storm run-off and drainage design. The drainage study will show the width of the right-of-way required to provide property drainage ditches and structures in order to properly dispose of the expected storm flow run-off. A typical cross section of the road and drainage ditches shall be provided in the report. Habitable structures may not be built in flood plan.

Maximum Road Grades

Grades of roads shall be a maximum of twelve percent (12%). Exceptions to this rule may be granted by Commissioner's Court.

Backfill of Pipe

All pipe shall be backfilled at six-inch (6") lifts and tamped with air tamp, with water as needed.

ARTICLE VII: SEWAGE DISPOSAL SYSTEMS

A licensed OSSF Installer II or the Comanche County Designated Representative must review and approve the plat to assure that all County sanitation rules and regulations are met.

Land Planning and Site Evaluation

Property that will use an on-site sewage facility (OSSF) for sewage disposal shall be evaluated for overall site suitability.

Soil Analysis

If the subdivider intends that each lot purchaser will provide on-site sewage facilities for his/her own lot, a copy of the analysis of soil tests for a minimum of ten (10%) of the proposed tracts, prepared by a Licensed OSSF Installer II or the Comanche County Designated Representative, must be provided. All proposed on-site sewage facilities must be in accordance with the policies and regulations adopted by Comanche County.

Lot Adequate Sizes to Meet Sanitation Requirements

All subdivision lots that have individual septic systems shall contain a minimum of 43,560 square feet (i.e., one (1) acre) for those with community water system and a minimum of 87,120 square feet (i.e., two (2) acres) for those without a community water system. It must be noted that size alone does not assure sanitation requirement can be met. The sub divider or owner shall ascertain and certify that an acceptable septic tank with a proper drain field can be installed on each tract platted or offered for sale, unless public sanitary sewer collection facilities are made available to the site. A licensed OSSF Installer II may be contacted for the specifications. All subdivisions using a state permitted and approved sewage disposal system must meet all state requirements as to lot size. The owners or developer must ascertain and certify that lot sizes within the subdivision meet all state requirements.

All Habitable Structures Must Have Approved Sewage Systems

All habitable structures shall be connected to septic tanks or sewer systems conforming to the regulations and recommendations of the State and Comanche County. Septic tanks shall meet State and County regulations and must be inspected by a licensed sanitarian, a licensed professional engineer or a designated agent of the T.C.E.Q. before, during, and after construction. Only one (1) habitable structure shall be connected to a single septic system.

Additionally, the planning materials for an on-site sewage facility to be submitted for approval by the permitting authority shall be prepared by a professional engineer or professional sanitarian and shall include an overall site plan, topographic map, 100-year floodplain map, soil survey, location of water wells, locations of easements and a complete report detailing the types of on-site sewage facilities to be considered and their compatibility with area-wide drainage and groundwater. A comprehensive drainage plan shall also be included in these planning materials.

Outdoor Toilets or Cesspools Prohibited

There will be no outdoor toilets or cesspools within any subdivision.

All Sewage Disposal Regulations of Comanche County, Texas, Must Be Met, With No Exceptions

ARTICLE VIII: ROADS

Roadway Layout

- A. Any owner that gates the entrances to the subdivision shall provide full time access to and from the subdivision to all emergency personnel by providing either a crash gate, a lock box, and/or an electronic device for entry with entry code provided to Comanche County Dispatch.
- B. A homeowner's association shall be formed requiring that all members clearly mark their lot with the corresponding 911 address in reflective numbers, so as to be visible from the road at night.
- C. Comanche County shall not be responsible for providing enforcement of traffic control within private subdivisions.

Design Criteria and Construction Standards for Streets and Roads

1. Proposed streets and roads must conform to existing topography, as nearly as possible, in order that drainage problems may be reduced and/or avoided. Streets and roads should, whenever possible, follow valleys or depressions so as to form a collection system for surface water.
2. All streets and roads must have a flexible base. The flexible base material for all streets and roads in every subdivision shall be: crushed limestone rock, iron ore gravel, or Texas road oil at 6% by weight of the sand of not less than four (4) inches. The flexible base shall have a minimum thickness of four (4) inches after compaction of the authorized base material. The centerline of each street or road in every subdivision shall have an elevation of at least 3 inches above the elevation of the edge of said street or road. All streets and roads must be at least twenty (20) feet wide. All streets and roads shall be inspected by the Commissioner of the Precinct wherein the subdivision lies.
3. All concrete or asphalt streets or roads must be built according to the then current Texas Department of Transportation Manual.
4. Drainage Pipe: The Subdivider shall be required to install corrugated metal pipe culverts according to the Drainage Plan Submitted and approved by the Commissioners' Court.

Street Names and Signs

1. **Street Names and Numbers**
New streets and roads in a subdivision shall be names so as to provide continuity of names with existing streets and so as to prevent conflict with identical or similar street and road names in other parts of Comanche County. All street names shall be approved by the Comanche County 911 Coordinator and the Comanche County Commissioner's Court. Roads or streets which are a continuation of any existing road or street shall take the name of the existing road or street.
2. **Street and Road Numbers and Names Signs Required**
The Developer shall install street or road name signs at all intersections in a subdivision. The proper installation of these signs is a part of the required construction standards of Comanche County. Final approval of the construction will not be given by the Comanche Commissioners Court until all signs are installed.

ARTICLE IX: ROAD MAINTENANCE

Owners Maintenance Responsibility.

- 1) A homeowner's association with assessment authority shall be formed in conjunction with recording of the final plat. Membership in the association shall be mandatory for each lot owner. The association shall be responsible for the maintenance of the roads in the subdivision.
- 2) The roads shall be maintained to such a standard which will allow emergency vehicles access for the roadway design speed in perpetuity by the homeowner's association.
- 3) The homeowner's association shall be perpetually liable for road maintenance, and it is not anticipated that Comanche County will ever accept subdivision roads for county maintenance.

ARTICLE X: UTILITIES

The Subdivider must submit a plan for providing utility service within the proposed subdivision and must clearly present it on the Preliminary Plat or accompanying drawings.

Water Supply

Proposed water supply i.e., municipal water, rural water supply corporation, municipal utility district, privately owned water system, individual wells, etc., must be stated in the utility plan.

Certification that Adequate Groundwater is available for the Subdivision

If groundwater is the source of water supply for the subdivision, the subdivider is required to obtain certification, by a licensed professional engineer or licensed geoscientist registered to practice in Texas, that adequate groundwater is available for the subdivision, according to the certification form and content as promulgated by the Texas Commission on Environmental Quality (TCEQ). Lack of certification that suitable groundwater is available is grounds for denial of plat approval, if groundwater is the proposed source of water. The Certification document shall be recorded as part of the dedication instrument and a note shall be placed on the plat that groundwater is to be the source of water.

Subdivider is also required to consult with the Middle Trinity Groundwater Conservation District.

Easements

Appropriate dedication of perpetual easements for utilities must be provided where needed. Subdivision plats must be coordinated with the utility companies, as to the proper location of utility easements and such easements or reference thereto must be shown on the subdivision plat. If public sanitary sewage systems are practically accessible, proper easements shall be dedicated for access to such public systems.

County Not Liable

Comanche County will not assume any liability for damage to utility lines suffered while maintaining roads.

ARTICLE XI: GENERAL PROVISIONS

Variances

- A. General – The Commissioners Court of Comanche County recognizes that there are vast differences in terrain and population density in Comanche County. In instances when the Commissioners Court finds that extraordinary hardships or extreme practical difficulties will result from strict compliance with these Subdivision Development Rules and/or the purposes of these Rules may be fulfilled to a greater extent by an alternative proposal, the Commissioners Court may approve variances, or exceptions to these Rules so that substantial justice may be done and the public interest secured. Variances may be made, provided that the variance or exception shall not have the effect of nullifying the intent and purpose of these Rules, further provided that the variance is allowed by Texas law.
- B. Evidence Required – The Commissioners Court shall not approve variances or exceptions unless it shall make finding based upon evidence presented to it in each specific case that:
 1. The granting of the variance or exception will not be detrimental to the public health, safety or welfare, or injurious to other property;
 2. The conditions upon which the variance request is based are unique to the property for which the relief is sought and are not applicable generally to other property;
 3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these Rules is carried out.

- C. Authority – Authority to make final approval of all variances and exceptions is vested in the Commissioners Court. Request for variances shall be filed at the time of application and may be taken up at only posted meeting of Commissioners Court while the application is pending.

Severability

If any section or part of any section of these rules should be declared invalid by a court of competent jurisdiction, such declaration shall not invalidate or impair the validity or effect of any other section or part of any section of these rules.

Subdividing Lots within a Subdivision

Once a subdivision receives final approval by the Commissioners Court, no further alteration or modification of the approved plat is authorized. This provision applies to new owners within the subdivision as well as the developer.

Fire Protection

The ~~County Fire Marshal~~ local Volunteer Fire Department Chief or other firefighting expert will be consulted to determine if provision for adequate water supply for firefighting could be efficiently provided by the developer.

Lot Purchasers

A copy of the Comanche County Subdivision Rules must be furnished to each purchaser of land within a subdivision by the developer.

ARTICLE XII: ENFORCEMENT, PENALTIES, AND APPEALS

- A. Category of Offense - A person commits an offense if the person knowingly or intentionally violates a requirement of these regulations, including the road design and construction specifications incorporated into these regulations, the rules of Comanche County for on-site sewage facilities, and any appendices attached to these regulations. An offense under this provision is a Class B misdemeanor punishable by fine or imprisonment or both.
- B. Enforcement Actions - At the request of the Commissioners' Court, the County Attorney or other prosecuting attorney for the County may file an action in a court of competent jurisdiction to:
1. Enjoin the violation or threatened violation of a requirement established by or adopted by the Commissioners' Court under these regulations; or
 2. Recover damages in an amount adequate for the County to undertake any construction or other activity necessary to bring about compliance with a requirement established by or adopted by the Commissioners' Court under these regulations.
- C. Enforcement of Building Lines - If a structure is erected, constructed or reconstructed in violation of a building setback line established in accordance with these regulations, then the Commissioners' Court, the District or County Attorney, or an owner of real property in the County may institute an injunction, mandamus, abatement or other appropriate action to prevent, abate, remove or enjoin the unlawful erection, construction or reconstruction (see Texas Local Government Code, Chapter 233, Section 233.006).
- D. Appeal of Building and Setback Lines - An owner of property who is aggrieved by an action or order adopted by the Commissioners' Court may appeal the decision within thirty (30) days after the date adopting the action or order.

A property owner in the County who is aggrieved by a final order of the Court may appeal to the district court or to another court with proper jurisdiction, in accordance with Section 233.007 of the Texas Local Government Code.

XIII: APPLICABILITY

- A. Effective Date – These Rules are effective upon the date of final approval by Commissioners Court.
- B. Date Construction Commenced – These Rules apply to any subdivision for which construction, or expansion (as defined herein), is commenced on or after the date that the original infrastructure standards were adopted by this Commissioners Court.
- C. Expansion of Existing Subdivision – These Rules are applicable to any expansion of any existing Subdivision after the original effective date of these Rules. “Expansion” includes but is not limited to any improvement concerning roads, water systems, septic systems and/or utilities and is ultimately defined at the discretion of the Commissioners Court.
- D. Applicable Outside City Limits – These Rules are applicable in Comanche County outside the city limits of any incorporated city and outside the limits of the extra territorial jurisdiction (ETJ) of any incorporated city within Comanche County, Texas.

XIV: INTERPRETATION – CONFLICT, SEVERABILITY, SAVINGS AND AMENDMENTS

- A. Interpretation – In their interpretation and application, the provision of these Rules shall be held to be minimum requirements for the promotion of the public health, safety, and general welfare. These Rules shall be construed broadly to promote the purposes for which they are adopted.
- B. Public Provisions – These Rules are not intended to interfere with, abrogate, or annul any other County regulation, state statute, or other provision of law except as provided in these Rules. Where any provision of these Rules or any other rule or regulation or other provisions of law are in conflict, the provision which is more restrictive or imposes higher standards shall control.
- C. Private Provisions – These Rules are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that were the provisions of these Rules are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these Rules shall govern.
- D. Severability – If any part or provision of these Rules, or the application of these Rules to any person or circumstance is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these Rules or application of them to other persons or circumstances. The Commissioners Court hereby declares that it would have enacted the remainder of these Rules, even without any such part, provision, or application which is judged to be invalid.
- E. Saving Provision – These Rules shall not be construed as abating any action now pending under or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving the right of the State or County under any section or provision existing at the time of adoption of these Rules, or as vacating or annulling any rights obtained by any person, firm, or corporation by lawful action of the County except as shall be expressly provided for in these Rules.
- F. Amendments – For the purpose of protecting the public health, safety, and general welfare or for any other valid purpose, the Commissioners Court may, from time to time, amend these Rules at a public meeting following public notice in the manner prescribed by law.

Adopted and finally approved by unanimous vote of the Comanche County Commissioners Court, in regular session, on this the 26th day of April, 2021.

Stephanie L. Davis

Stephanie L. Davis, Comanche County Judge

Gary "Corky" Underwood

Gary "Corky" Underwood, Commissioner PCT 1

Russell Gillette

Russell Gillette, Commissioner PCT 2

Sherman Sides

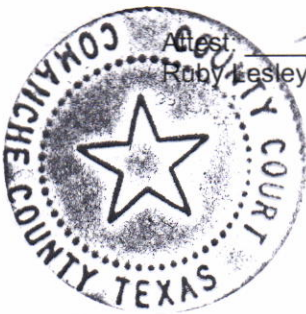
Sherman Sides, Commissioner PCT 3

Not Present

Jimmy Dale Johnson, Commissioner PCT 4

Ruby Lesley

Attest:
Ruby Lesley, Comanche County Clerk



FILED
AT 11:00 O'CLOCK A M

APR 26 2021

Ruby Lesley

Clerk, County Court Comanche Co., Texas

(Appendix A)

SUBDIVISION PLAT APPLICATION

SUBJECT PROPERTY INFORMATION	
APPLICATION DATE*:	RESUBMITTAL: <input type="checkbox"/> YES <input type="checkbox"/> NO
PROJECT NAME:	
PROJECT ADDRESS OR LOCATION:	
IF RESUBMITTAL, PROJECT FORMERLY KNOWN AS:	
NUMBER OF LOTS:	TOTAL ACREAGE:
JURISDICTION: <input type="checkbox"/> COUNTY (Outside all City Limits and ETJs) <input type="checkbox"/> City of Comanche/ETJ <input type="checkbox"/> City of De Leon/ETJ <input type="checkbox"/> City of Gustine/ETJ	

**This application shall expire five (5) years from the Application date if the project becomes dormant, as defined by Sec. 245.005, Texas Local Government Code, as amended. This application shall expire forty-five (45) days from the date the Application is submitted if, after proper notification, the Application remains incomplete, as defined by Sec. 245.002e, Texas Local Government Code, as amended.*

TYPE OF APPLICATION		
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> AMENDED PLAT / REPLAT

CONTACT INFORMATION					
AGENT INFORMATION			PROPERTY OWNER INFORMATION		
FIRM NAME:			OWNER NAME:		
CONTACT:			CONTACT:		
ADDRESS:			ADDRESS:		
CITY:	STATE:	ZIP:	CITY:	STATE:	ZIP:
PHONE: ()	FAX: ()		PHONE: ()	FAX: ()	
EMAIL:			EMAIL:		
DEVELOPER INFORMATION			SURVEYOR INFORMATION		
FIRM NAME:			FIRM NAME:		
CONTACT:			CONTACT:		
ADDRESS:			ADDRESS:		
CITY:	STATE:	ZIP:	CITY:	STATE:	ZIP:
PHONE: ()	FAX: ()		PHONE: ()	FAX: ()	
EMAIL:			EMAIL:		
ENGINEER INFORMATION			OTHER CONTACT INFORMATION (IF DIFFERENT)		
FIRM NAME:			OWNER NAME:		
CONTACT:			CONTACT:		
ADDRESS:			ADDRESS:		
CITY:	STATE:	ZIP:	CITY:	STATE:	ZIP:
PHONE: ()	FAX: ()		PHONE: ()	FAX: ()	
EMAIL:			EMAIL:		

DIGITAL FILE SUBMISSION ADOBE .pdf sent to County Clerk at the following email: rlesley@co.comanche.tx.us**PROPERTY OWNER CONSENT/AGENT AUTHORIZATION**

By my signature, I hereby affirm that I am the property owner of record, or if the applicant is an organization or business entity, that authorization has been granted to represent the owner, organization or business in this application. I certify that the preceding information is complete and accurate, and it is understood that I agree to the development/subdivision of this property.

Signature:	Printed Name:	Date:
Signature:	Printed Name:	Date:

By signing this form, the owner of the property owner authorizes Comanche County to begin proceedings in accordance with the process for this type of application indicated on page one of this application. The owner further acknowledges that submission of an application does not in any way obligate the County to approve the application and that although County staff may make certain recommendations regarding this application, the Commissioners Court may not follow that recommendation and may make a final decision that does not conform to the staff's recommendation.

CALCULATION OF FEES**See attached Fee Schedule****RECEIPT OF APPLICATION BY COMANCHE COUNTY CLERK (Office use only)**

Date Application Received: ___ / ___ / 20___	Application Fee received by:
Fee Amount Paid \$ _____	<input type="checkbox"/> Cash <input type="checkbox"/> Certified Check # _____ <input type="checkbox"/> Money Order
County Receipt Number _____	

Note to Applicant: The submission of the application with plans, plats or drawings makes such items public record and the applicant understands that the general public may view these items.

(Appendix B)
FEE SCHEDULE

Subdivision Fees (Paid to the Comanche County Clerk upon filing of Application):

a)	Final Plat (with roads) 10 lots or less add \$50.00 per lot in excess of 10 lots	\$1,000.00
b)	Plat Revision	\$ 300.00
d)	Plat Cancellation	\$ 200.00

**(Appendix C)
BOND FORMS**

PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS

THAT _____, (hereinafter called "Obligor"), and _____, (hereinafter called "Surety"), a corporation authorized under the laws of the State of Texas to act as Surety, are held and firmly bound unto the County of Comanche, State of Texas, through its County Judge, or his successor in office, (hereinafter called "Obligee") in the full and just sum of _____ Dollars (\$ _____), lawful money of the United States, for the payment whereof Obligor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, said Obligor is required by the Comanche County Subdivision and Development Regulations, under the authority granted by the laws of the State of Texas, to file a bond with the Comanche County Judge in the amount of 100% of the estimated construction cost of constructing such roadways and drainage facilities within a certain subdivision to be known as _____ as platted by Obligor.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that, the owners of the tract of land to be subdivided will construct all roadways and drainage facilities within such subdivision in accordance with the specifications promulgated by and within one year from date of which final plat is approved by Commissioners' Court, If Obligor has not completed the improvement within one year this bond may be extended an additional one(1) year, if it can be demonstrated by Obligor to Commissioners' Court that a good faith effort is being made to complete the required improvements. In the event the required improvements are not completed within the time allowed then the Commissioners' Court can complete the improvements and request reimbursement funds from the Obligor or Surety without requiring approval of the Obligor. This bond shall remain in force and in effect until all roads, streets, drainage and drainage structures in the subdivision have been completed and approved by the Comanche County Commissioners' Court, and the bond has been released by a Court Order from the Commissioners' Court.

No right of action shall accrue on this bond to or for the use, of any person or corporation other than the Commissioners' Court herein named or successors of Commissioners' Court.

SIGNED and SEALED this ____ day of _____ 20__, in the presence of _____
(Witness)

By: _____ (Obligor)

By: _____ (Surety)

COMANCHE COUNTY SUBDIVISION CHECKLIST

The following items must be provided to the Comanche County Clerk with each Plat Application:

Name of Subdivision: _____

Date Submitted: _____ Contact Name: _____

Telephone No.: _____ Email address: _____

INFORMATION SUBMITTED BY PROPERTY OWNER WITH PLAT APPLICATION

- 3 Copies of Plat for review and one digital copy in pdf format. The Plat shall be shown on a single sheet (additional detail sheets okay to show all required information)
- Verification from County Clerk to insure proposed subdivision name is not duplicated.
- ETJ Statement (if development is within the ETJ) from City of Comanche, City of De Leon or City of Gustine
- Completed and Signed Plat Application Form.
- Application Fee Receipt from County Clerk.
- Copy of Deed – current owner
- Engineering drainage plan.
- Soil sample analysis for on-site sewage facilities
- Verification letter from Middle Trinity Groundwater Conservation District.
- Verification letter from utility providers.
- Verification letter with 911 addressing.
- Certification that adequate groundwater is available for subdivision (current TCEQ form)
- Drainage Engineer Certification.

INFORMATION ON PLAT

- Three copies of the plat. All copies shall have "Final Plat" placed on the face.
- The title under which proposed subdivision is to be recorded.
- Land Owner Dedication and Land Owner Notary
- Name and address of the owner with the name of the Land Planner, Licensed Land Surveyor or Registered Professional Engineer platting the tract.
- Flood Plain Statement
- Ground Water certification or statement
- Registered Public Surveyor or Licensed Land Surveyor name and stamp on each page.
- Legal Description
- Lien Holder
- Distance and direction to the nearest State or U.S. Highway.
- Linear Feet
- Location and widths of all roads.
- North Marker
- Scale (1" = 200')
- Utility Easements
- Vicinity Map
- Developer Information
- Water Source

INFORMATION SUBMITTED BY PROPERTY OWNER FOR FINAL HEARING

- Three copies of plat and one digital copy in pdf format. All copies shall have "Final Plat" placed on the face and must be signed and notarized
- Certified Paid Tax Certificate from Comanche County Tax Assessor/Collector
- Certificate of Compliance from Commissioner
- Drainage Engineer Certification
- Performance Bond or Construction Letter of Credit