#### 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 dameter 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 demed necessary. Larger drain pipes shall be installed if necessary, to handle drainage based upon a ten-year low frequency. An easement shall be required from any affected property owner or owners when the natural flow of water a changed.

#### Embankments

All roadways subject to flooding and high waters and all madway 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 dialhage 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**

1413

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 dialnage 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 matural draining 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 origineering trainage plan small 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 notibe built in fleed 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 thch (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 43,500 quare feet (i.e., one (1) acre) for those with community water system and a minimum of 87,120 square feet (i.e., Wo (2) acres) for those without a community water system. It must be noted that size slone does not assure sanitation requirement can be met. The sub divider or owner shall ascertain and certify that an acceptable septic tank with a groper 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 neet all state requirements.

### All Habitable Structures Must Have Approved Sewage Systems

All habitable structures shall be connected to septic tanks or newer systems conforming to the regulations and recommendations of the State and Comanche County. Septic tanks chall 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 professional engineer or professional sanitarian and shall include an overall site plan, topographic map, 100-year negliged plain map, soil survey, location of water wells, locations of easements and a complete report detailing the types of on-alte 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 Tollets or Cesspools Prehibited

There will be no outdoor toilets or gespools 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.

Comanche County. Texas Subdivision Regulations

### 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 material 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 timestable the elevation of the edge of said street or road. All streets and roads must befat least twenty (20) feet wide. All streets and roads shall be inspected by the Commissioner of the Precinct.
- 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 allverts 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. Thoads 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 Read Numbers and Names Sights 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 the association 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 homeowners 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 subdivide spequired to obtain certification, by a licensed professional engineer or licensed geoscientistic gisterezito practice in Texas, that adequate groundwater is available for the subdivision, according to the certification form and content as as promulgated by the Texas Commission on Environmental Quality TCEQ). Lack of detification that suitable groundwater is available is grounds for denial of plat apartoval, 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 plate. If public sanitary newage systems are practically accessible, proper easements shall be dedicated for access to the public system and

#### County Not Liable

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

# ARTICLE XI: GENERAL PROVISIONS

- 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 compliance 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 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 yenance 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. <u>Authority</u> – 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 <u>not</u> 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 Marshall or other firefighting expert will be consulted to determine 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. <u>Category of Offense</u> A person commission offense if the person knowingly or intentionally violates a requirement of these regulations, including the read design and construction specifications incorporated into these regulations, the rules of Comanche County for on-site sewers facilities, and any appendices attached to these regulations. An offense under the provision is a Class B misdemeanor punishable by fine or imprisonment or both.
- B. <u>Enforcement Actions</u> At the request of the Commissioners Court, the County Attorney or other prosecuting atterney 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' Cash under three regulations; or

2. Recover demages in an amount adequate for the County to undertake any construction or other activity necessary to bring effout compliance with a requirement established by or adopted by the Commissioners' Court under these regulations.

- C. <u>Enforcement of Building tures</u> If a structure is erected, constructed or reconstructed in violation of a building tetback 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. <u>Appeal of Building and Setback Lines -</u> 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.

Comanche County, Texas Subdivision Regulations

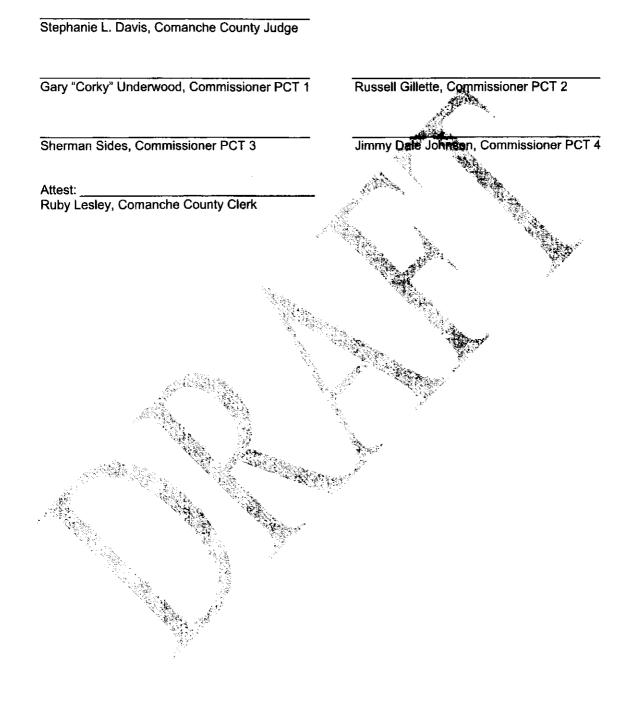
## XIII: APPLICABILITY

- A. Effective Date These Rules are effective upon the date of final approval by Commissioners Court.
- B. <u>Date Construction Commenced</u> 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. <u>Expansion of Existing Subdivision</u> 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. <u>Applicable Outside City Limits</u> These Rules are applicable **in Comanche** County outside the city limits of any incorporated city and outside the limits of the extra territorial juris**cittion** (ETJ) of any incorporated city within Comanche County, Texas.

# XIV: INTERPRETATION -CONFLICT, SEVERABILITY, SAVINGS AND AMENDMENTS

- A. <u>Interpretation</u> In their interpretation and application, the provision of these Rules shall be held to be minimum requirements for the prometion of the public health pafety, and general welfare. These Rules shall be construed broadly to promote the purposes for which they are adopted.
- B. <u>Public Provisions</u> 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 of the provisions of law are in conflict, the provision which is more restrictive or imposes higher standards shall control.
- C. <u>Private Provisions</u> 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. <u>Severability</u> It any part or prevision 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 been rendered the remainder of these Rules, even without any such part, provision, or application which is judged to be invalid.
- E. <u>Saving Provision</u> These Reles 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 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. <u>Amendments</u> -- 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.

Comanche County, Texas Subdivision Regulations Adopted and finally approved by unanimous vote of the Comanche County Commissioners Court, in regular session, on this the \_\_\_\_\_\_day of April, 2021.



# (Appendix A)

# SUBDIVISION PLAT APPLICATION

SUBJECT PROPERTY INFORMATION			
APPLICATION DATE*:	RESUBMITTAL: 🔲 Y		
PROJECT NAME:	I		
PROJECT ADDRESS OR LOCATION:			
IF RESUBMITTAL, PROJECT FORMERLY KNOWN AS:			
NUMBER OF LOTS:		The second	
JURISDICTION: COUNTY (Outside all City Limits and ETJs)	/ of Comanche/ETJ ** 🚺 C	City of Detailon/E1	IJ [] City of Gustine/ETJ
*This application shall expire five (5) years from the Application date if the pro Code, as amended. This application shall expire forty-five (45) days from th remains incomplete, as defined by Sec. 245.002e, Texas Local Government (	e date the Application is s	a defined by <b>Sec.</b> Submitted if, affer	245.005, Texas Local Governmen proper notification, the Application
TYPE OF APPLICATION		Й.	Construction of the second
		AMENDED PLA	T / REPLAT
	1. A.		
CONTACT INFORMATION			<u> </u>
AGENT INFORMATION	PROPERTY OW	VNER INFO	RMATION
FIRM NAME:	OWNER NAME:	100 A	
CONTACT:	CONTACT:	a constant	
ADDRESS:	ADDRESS:		
CITY: STATE ZIP:	CITY	TE:	Ż1P:
PHONE: ( ) FAX: ( )	PHONE; ()	FAX: (	)
EMAIL:	EMAIL:		
DEVELOPER INFORMATION	SURVEYOR INI	FORMATIO	N
FIRM NAME:	FIRM NAME:		
CONTACT:	CONTACT:		
ADDRESS:	ADDRESS:		
CITY: CITY: ZIC	CITY: S	STATE:	ZIP:
PHONE: ( ) FAX: (	PHONE: ( )	FAX: (	)
EMAIL:	EMAIL:		
ENGINEER INFORMATION		MATION (IF DIFFERENT)	
FIRM NAME:	OWNER NAME:		
CONTACT:	CONTACT:		
ADDRESS: ADDRESS:			
CITY: STATE: ZIP:	CITY:	STATE:	ZIP:
PHONE: ( ) FAX: ( )	PHONE: ( )	FAX: (	)
EMAIL:	EMAIL:		

1

## 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:	pate:
Signature:	Printed Name:	bate:

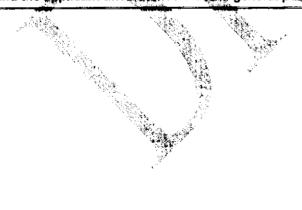
By signing this form, the owner of the property owner authorizes Comanche County to begin proceedings in accordance with the process for this type of application indicated on page one of this application. The owner further acknowledges that submission of an application does not in any way obligate the 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.

Ry

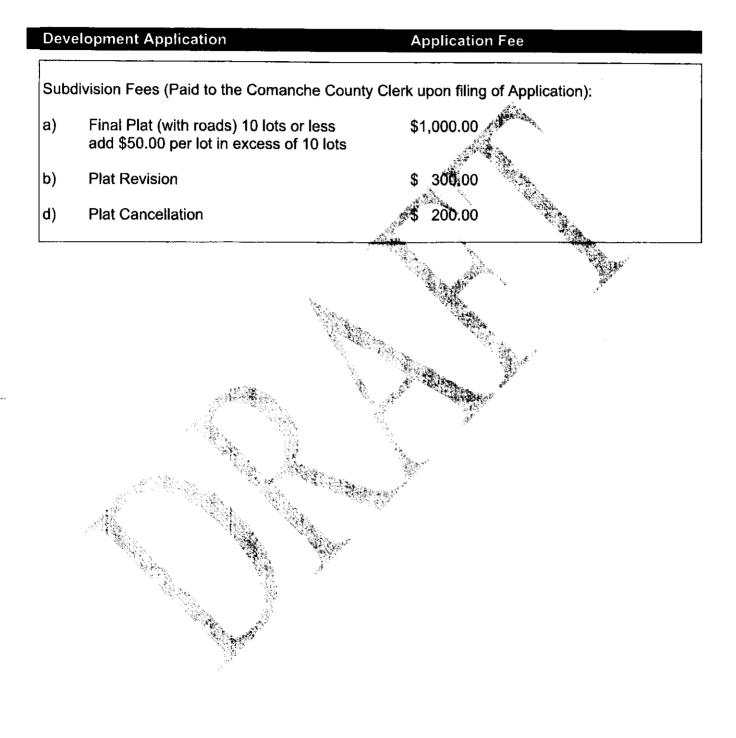
## CALCULATION OF FEES See attached Fee Schedule

RECEIPT OF APPLICATION BY COMANCHE COUNTY CLERK (Office use only)			
Date Application Received:	// 20	Application Fee received by:	
Fee Amount Paid \$			
County Receipt Number			:
Note to Applicant:	ibmission of the an	olightion with plans, plats or drawings makes such items publi	ic

record and the applicant understands that the general public may view these items.



# (Appendix B) FEE SCHEDULE



## (Appendix C) BOND FORMS

### PERFORMANCE BOND

#### KNOW ALL MEN BY THESE PRESENTS

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

NOW, THEREFORE, THE CONDITION OF THIS **OBTIGATION** is such that, the owners of the tract of land to be subdivided will construct all roadways and drainage facility within such subdivision in accordance with the specifications promulgated by and within one year from date **or part in Bo** approved by Commissioners' Court, If Obligor has not completed the improvement within one year this bend may be extended an additional one(I) year, if it can be demonstrated by Obligor to Commissioners' Court that a **good all** the 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 and 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 subtivision have been completed and approved by the Commissioners' Court.

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

	SEALTD this	_day of	1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1	_20, in the presence of	
(Witness)					
		Ву:			_ (Obligor)
		." Ву:			(Surety)

Comanche County, Texas Subdivision Regulations

# **COMANCHE COUNTY SUBDIVISION CHECKLIST**

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

Name o	of Subdivision:
Date St	ubmitted: Contact Name:
Telepho	one No.: Email address:
INFOR	MATION SUBMITTED BY PROPERTY OWNER WITH PLAT APPLICATION
	3 Copies of Plat for review and one <u>digital copy</u> in pdf format. The <b>Plat</b> 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 cuplicated. ETJ Statement (if development is within the ETJ) from City of Comanche, Clever 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 eventable for subdivision (surrent TCEQ form)
	Drainage Engineer Certification.
	MATION ON PLAT
	Three copies of the plat. All copies shall have "Final Plat" placed on the face. The title under which prepend jubdivision 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 obstatement Registered Public Surveyor or Elecensed Land Surveyor name and stamp on each page. Legal Description Lief Holder Distance and direction to the mearest Stateor U.S. Highway.
	Linear Feet Location and widths of all roads North Marker Scale (1" = 200') Utility Easements Vicinity Map Developer Information Water Source
	MATION SUBMITTED BY PROPERTY OWNER FOR FINAL HEARING
	Three copies of plat and one <u>digital copy</u> in pdf format. All copies shall have "Final Plat" placed on the face
	and <u>must be signed and notarized</u> 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

Comanche County, Texas Subdivision Regulations

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