

# SUBDIVISION REGULATIONS

For

SUTTON COUNTY, TEXAS

September 12, 2016

EXHIBIT A

County of Sutton  
Subdivision Regulations  
TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
Section A: Purpose	1
Section B: Authority	2
Section C: Enforcement	3
Section D: Definitions	5
Section E: Subdivision Requirements and Standards	8
Section F: Plat Procedures	11
Section G: Road Design and Construction Specifications	16
Section H: Water Availability Requirements	19
Section I: Bond Requirements	20
Section J: Miscellaneous	21
Appendix 1	

## **SECTION A: PURPOSE**

The purpose of these Regulations is to provide a system for the orderly, safe and healthy development of the unincorporated areas within Sutton County, Texas. This regulation is specifically intended to protect citizens of the County by insuring that developments in the County meet standards which preclude future unnecessary burdens for its citizens. This document also furnishes the owner with guidance and assistance in the expedient subdivision or development of land.

Included in this document are:

A section that describes the authority under which these Regulations are adopted.

A section that outlines the enforcement authority available to the County.

A section that defines the uncommon words and terms used in these Regulations.

A section that explains the criteria used to determine when the subdivision of land requires the approval of the Commissioners Court.

A section that explains the requirements and procedures for platting subdivided land.

A section that provides specifications for the construction of streets and roads.

A section that explains water availability requirements when subdividing land.

A section that establishes certain security requirements to be borne by the owner/developer during the subdivision process.

These Regulations are in no way intended to restrict development in the County. Rather, it is intended that through public and private cooperation the County can achieve and maintain a quality and standard of life which reflects the highest traditions and standards of its citizens.

## **SECTION B: AUTHORITY**

1. The Commissioners Court of Sutton County has the authority and obligation to protect the public health, safety and welfare of the citizens of Sutton County. These Regulations are based on the following findings:
  - a. The Commissioners Court of Sutton County has the authority to regulate the subdivision process pursuant to Texas Local Government Code, Chapter 232.
  - b. The Commissioners Court of Sutton County has been designated by the Texas Commission on Environmental Quality as the authorized agent for the licensing and regulation of on-site sewage facilities within Sutton County and these Regulations are a necessary component of such regulation.
  - c. The Commissioners Court of Sutton County has the authority and obligation to exercise general control over the roads, highways, bridges and related drainage structures and development within Sutton County.
  - d. The Commissioners Court of Sutton County has been granted the authority and responsibility under the Federal Emergency Management Act to administer floodplain development regulations within Sutton County and to regulate associated development.
  - e. The Commissioners Court of Sutton County has been granted the authority pursuant to Chapter 35 Texas Water Code to require any person seeking subdivision plat approval to show:
    - (1) Compliance with Water Availability Requirements adopted by the Commissioners Court; and
    - (2) That an adequate supply of water of sufficient quantity and quality is available to supply the number of lots proposed for a platted area.
2. If any questions arise as to the interpretation of the language in any Sections of these Regulations, the Sutton County Commissioners Court will provide clarification and final determination of intent.
3. The Commissioners Court may authorize a variance from these Regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Commissioners Court shall prescribe only conditions that it deems necessary to, or desirable in, the public interest. A request for a variance shall be submitted in writing and must cite the specific detail of the requested variance, the justification for the request and must be accompanied by any supporting documentation.

In making the findings here-in-below required, the Court shall take into account the nature of the proposed use of the land involved, existing use of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No variance shall be granted unless the Court finds:

- a. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of these Regulations would deprive the applicant of the reasonable use of his land; and
- b. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
- c. That the granting of a variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
- d. That the granting of a variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of these Regulations.

4. The Commissioners Court may, in its sole discretion, require developers to provide satisfactory evidence to the Court that the developer has given notice to adjacent land owners of intent to seek a variance and the specific nature of the variance request prior to considering approval of such variance request.

5. Such findings of the Commissioners Court together with the specific facts upon which such findings are found shall be incorporated into the official minutes of the Court meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of these Regulations. Monetary hardship to the owner/developer, standing alone, shall not be deemed to constitute undue hardship. The decision of the Commissioners Court whether to grant or deny a variance is at its complete discretion and will be final.

## **SECTION C: ENFORCEMENT**

The Commissioners Court of Sutton County shall have the authority to refuse to approve and authorize any map or plat of any such subdivision, unless such map or plat meets the full requirements as set forth in these Subdivision Regulations; and there is submitted at the time of approval of such map or plat financial security as may be required by these Regulations. No lot in any subdivision shall be sold or transferred until the final plat is approved and recorded, and all the standards, specifications or requirements contained or referred to herein have been complied with in full.

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

A. Enjoin the violation or threatened violation of a requirement established by or adopted by the Commissioners Court under Chapter 232, Local Government Code; or

B. 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 the Commissioners Court under Chapter 232, Local Government Code.

A person commits an offense if the person knowingly or intentionally violates a requirement established by or adopted by the Commissioners Court under Chapter 232, Local Government Code. Such an offense is a Class B Misdemeanor, which has a maximum punishment of a fine of up to \$2,000, and/or confinement in the Sutton County Jail for not more than 180 days.

## SECTION D: DEFINITIONS

**Base Floodplain** – that area subject to inundation by flood, having a one percent probability of occurrence in any given year (100-year flood), based on existing conditions of development within the watershed area, as determined by the Flood Insurance Study for Sutton County provided by the Federal Emergency Management Agency.

**Building Line or Setback Line** – the line within a property defining the minimum horizontal distance between a building and adjacent street, line or boundary. Such setbacks can be front, side, or rear.

**Commissioners Court** – the Sutton County Commissioners Court (also referred to herein as “the Court”).

**County** – Sutton County, Texas

**County Engineer** – the County Engineer of Sutton County or another person designated as an agent of the County to act as an engineer for the purposes of these Regulations.

**County Road** – a roadway under the control and maintenance of the County.

**Cul-de-sac** – a short public road having only one opening or access to another public road and which is terminated by a permanent vehicular turnaround.

**Developer** – persons, corporations, organizations, government or governmental subdivisions or agencies, estates, trusts, partnerships, associations, or other entities, which undertake the activities covered by these Regulations.

**Driveway** – an area surfaced with asphalt, gravel, concrete or similar surface providing vehicular access between a public or private road and private property.

**Easement** – a right given by the owner of a parcel of land to another person, public agency, private corporation or other entity for specific and limited use of that parcel.

**Engineer** – any person licensed under the provisions of the Texas Engineering Registration Act to practice the profession of engineering.

**Extraterritorial Jurisdiction (ETJ)** – the unincorporated territory extending beyond the city limits of a city as set forth by Chapter 42.021, Local Government Code.

**Filing Fee** – a charge for filing documents with the County Clerk.

**Final Plat** – a map or drawing of a proposed subdivision prepared in a manner suitable for recording in the County Records and prepared in accordance with these Regulations.

**Floodway** – the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Grade** – the horizontal elevation of a finished surface of the ground or paving at a point where height is to be measured; or the degree of inclination of a surface; or the vertical location of the ground surface.

**Groundwater** – subsurface water that occurs beneath the water table in soils and geologic formations that are fully saturated either year round or on a seasonal or intermittent basis.

**SCUWCD** – Sutton County Underground Water Conservation District, enabling Legislation HB-1161 Approved: June 10, 1985.

**Lot** – an undivided tract or parcel of land contained within a block or designated on a subdivision plat by number.

**May** – permissive.

**On-site sewage disposal system** – one or more systems of treatment devices and disposal facilities that produce no more than 5,000 gallons of waste each day and are used only for disposal of sewage produced on a site on which the system is located.

**On-site sewage facility (OSSF)** – an on-site sewage disposal system.

**Owner** – the owner of real property subject to a proposed or existing subdivision. Also; subdivider, applicant, developer.

**Plat** – a drawing depicting the division or subdivision of land into lots, blocks, parcels, tracts, or other portions. A re-plat or re-subdivision will be considered a plat.

**Precinct Commissioner** – The duly elected or appointed County Commissioner in whose precinct the subdivision is located. If the subdivision is located in more than one precinct, approvals affecting the subdivision as a whole shall be obtained from all the affected commissioners.

**Preliminary Plat** – one or more drawings showing the physical conditions of a tract of land and the surrounding area intended to be subdivided. This plat shall show the developer's intended development scheme in order to show compliance with all regulations.

**Primary road** – a road providing for travel between a secondary road and the arterial road network. Also, a collector road.



**Private road** – any road that is not dedicated or maintained as a public road; a vehicular access way under private ownership and maintenance.

**Reserve Strip** – a narrow parcel of land lying between a property boundary and a dedicated public easement, right-of-way, or roadway that serves the purpose of restricting access to the public easement, right-of-way, or roadway.

**Secondary road** – a road providing for travel between residential areas and a primary road. Also, a neighborhood road.

**Shall** – mandatory, not discretionary.

**Subdivision** – any tract of land divided into two or more contiguous lots (as described in Section E of these Regulations). See Sections 232.001 and 232.015, Local Government Code.

**Surveyor** – any person licensed to practice surveying by the Texas Board of Professional Land Surveying.

**TCEQ** – Texas Commission on Environmental Quality. (Formerly TNRCC – Texas Natural Resources Conservation Commission)

**TxDOT** – Texas Department of Transportation.

## SECTION E: SUBDIVISION REQUIREMENTS AND STANDARDS

### 1. Requirements.

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

b. In accordance with Texas Local Government Code, these Regulations require that the owner of a tract of land located outside the limits of a municipality must have a plat of the subdivision prepared, approved and duly recorded 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 or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.

The approved plat is a source of validated public information available for governmental or private use. The process of plat approval, described in this Section, is a vehicle for subdivision regulation, since regulatory requirements ordered by the County shall be reflected in the approved plat.

c. A subdivision plat is not required to be filed 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:

- (1) the land is to be 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; provided, however, if a tract described by this paragraph 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; or
- (2) 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; or

(3) all the lots of the subdivision are more than ten (10) acres in area, noting, however, that a development with lots greater than ten acres that dedicates lands to uses described above at the outset of this Section is nevertheless subject to platting requirements; or

(4) all of the lots are sold to veterans through the Veterans' Land Board program; or

(5) the tract is owned by the state or other state agency, board, commission or owned by the permanent school fund or any other dedicated funds of the state; or

(6) 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

(7) 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.

d. Additionally, a subdivision plat is not required to be filed if:

(1) the owner of the land is a political subdivision of the state, the land is situated in a floodplain, and the lots are sold to adjacent landowners; or,

(2) the division of land is by final order of a court of competent jurisdiction; or,

(3) the tract is devised or given by a testator or donor to an individual who is related to the testator or donor within the third degree of consanguinity or affinity, and each of the resulting tracts meets the lot size and frontage requirements of these Regulations; provided, however, this exception does not apply if the division will change the boundary between two legally platted lots, or subtract land from a legally platted subdivision; or,

(4) the land being divided is inherited property between heirs or is land being divided between donees who have acquired title by gift deed, the property is being divided by agreement or by action in probate, each of the resulting tracts meets the lot size and frontage requirements of these Regulations, and the heirs or donees are related to the testator or donor within the third degree of consanguinity or affinity; provided however, this exception does not apply if the division will change the boundary between two legally platted lots, or subtract land from a legally platted subdivision; or,

(5) the division of land is by sale to or exchange with an adjoining owner and the smaller of the resulting tracts is at least three acres and the average size of the resulting tracts is at least four acres; provided however, this exception does not apply if the adjustment will change the boundary between two legally platted lots, or subtract land from a legally platted subdivision; or

(6) a smaller tract is surveyed out of the parent tract solely for the purpose of obtaining financing of that part of the property, provided that possession and primary beneficial ownership of the entire parent tract are intended to remain unified; or,

(7) the parent tract is divided into no more than five (5) smaller tracts each of which smaller tracts exceeds twenty (20) acres; provided, however, that each of the tracts shall meet the minimum frontage requirements set out in these Regulations, and that any easement, road or street that provides primary access to each of the tracts shall meet the right of way width requirements of these Regulations; provided, also, that this exception does not apply if the division will change the boundary between two legally platted tracts, or subtract land from a legally platted subdivision.

e. A person owning real property in this County that has been subdivided may apply to the Commissioners Court for permission to cancel all or part of the subdivision, including a dedicated easement or roadway, to reestablish the property as acreage tracts as it existed before the subdivision. If the applicant is able to show with certainty that cancellation of all or part of the subdivision does not interfere with the established rights of any purchaser who owns any part of the subdivision, or it is shown that the purchaser agrees to the cancellation, the Commissioners Court may authorize the owner of the subdivision to file an instrument cancelling the subdivision in whole or in part.

f. The developer shall be responsible for all costs of the improvements required by these Subdivision Regulations, and all other costs related thereto, including costs related to inspection of construction within the subdivision as set forth herein.

## **2. Standards.**

a. General: Lot sizes for subdivisions are set forth below. The primary considerations for establishment of these minimums are guidance contained in the Texas Commission on Environmental Quality Rules and Regulations [TAC 30; 230.8, 230.9, and 230.10 (please see Appendix A)] the Rules and Regulations of the Sutton County Underground Water Conservation District, the current Sutton County On-Site Sewage Facility Ordinance, the fact that groundwater is the primary source of water in Sutton County.

## SECTION F: PLAT PROCEDURES

- 1) The process of submission, review and approval of subdivision plats is necessary to assure that the provisions of these Regulations are complied with, to include adequate sizing of lots and streets; to assure that the provisions of the Floodplain Regulations are complied with; to assure that the provisions of the Waste Water Regulations are complied with; to assure the proper alignment of streets and roads and the provision of adequate drainage structures; and to eliminate the duplication of subdivision names and street or road names.
- 2) **PRELIMINARY PLAT** One (1) print of a preliminary plat of any proposed subdivision shall be submitted to the County Judge and one (1) print of a preliminary plat of any proposed subdivision shall be submitted to all Sutton County Commissioners at least seven (7) days before the meeting at which approval is asked. The preliminary plat shall show or be accompanied by the following information:
  - a) The proposed name of the subdivision and the names of adjacent subdivisions;
  - b) The names of the Owner and/or Owners of the proposed subdivision and the name of the Engineer or Surveyor responsible for the survey and design. Also, a letter submitted to the Court as to what name the property will be sold under and a billing address,
  - c) The location of boundary lines and their relation to established survey lines or fractional survey lines.
  - d) The location and width of existing and proposed streets, roads, lots and alleys, building lines, easements, parks, school sites and other features relating to the proposed subdivision. The plans shall show the outline of adjacent properties for a distance of at least one hundred (100) feet and how the street, alleys or highways in the proposed subdivision may connect with adjacent land or with adjacent subdivisions which are of record.
  - e) The preliminary plat must show the physical features of the property, including water courses, ravines, bridges, culverts, 100 year flood plain, present structures, and other features of importance of lot and street layout and water drainage. The appropriate acreage of the property shall be indicated. Topography of the tract shall be shown on the preliminary plat by means of contours of ten (10) foot intervals tied to USGS datum.
  - f) Designation of the proposed uses of land within the subdivision whether for residential, commercial, industrial or public use, such as parks, churches, etc.
  - g) North Point, scale, and date.
  - h) The preliminary plat shall be drawn to a scale not exceeding one (1) inch equals three hundred (300) feet. Preliminary plats shall be presented on maximum size sheets of. If the proposed subdivision is too large to be accommodated by a single

standard size sheet, then two or more sheets may be used, with match lines clearly shown.

- i) The Owner(s) must submit, by letter, along with the preliminary plat, a statement as to his plan for providing utility service within the proposed subdivision, i.e. water and sewer service, The proposed water supply should be clearly indicated, i.e., municipal water, rural water supply corporation, privately owned water system, individually wells, etc. Individual wells must be installed prior to plat final approval. Also, the plan for sewage, disposal should be clearly indicated, i.e., municipal sewer service, privately owned sewage disposal system, Individual septic systems, etc. If individual septic systems are to be used for sewage disposal must be installed using TCEQ rules for on-site sewage facilities according to TAC 30 § 285.
  - j) If septic systems are to be used for sewage disposal, each lot in said subdivision must contain an area of not less than 25,100 square feet.
  - k) Lots must contain not less than ten (10) acres if individual wells are used.
  - l) If the subdivision is to use an existing municipal sewage system or a sanitary sewer system to be approved and licensed by the TCEQ, each lot in said subdivision must contain an area of not less than 12,500 square feet.
  - m) All water well systems and sewage systems, whether individual or otherwise must meet all State of Texas Health and Quality Control Ordinance specifications and requirements and all such State of Texas Health Ordinances shall control over the provisions herein to the contrary. Authority to spot check any water wells and/or septic systems is reserved by the Commissioners' Court and its agents in all subdivisions in Sutton County, Texas.
  - n) The preliminary plat shall be approved by the County Sanitarian or County Health Officer and the Commissioners' Court prior to the request for a hearing on the Final Plat.
  - o) Approval of the preliminary plat does not constitute acceptance of the subdivision, but is merely an authorization to proceed with the preparation of the final plat for record.
  - p) If the location of the subdivision is within the extraterritorial jurisdiction of any city, town or village within Sutton County, Texas, the preliminary plat shall be approved by that public body prior to submission to the Commissioners' Court.
  - q) Before submission of final plat for approval by the Commissioners' Court, two (2) current tax certificates to be issued by the Sutton County Tax Appraisal Office.
- 3) FINAL PLAT After the preliminary plat has been approved by the Commissioners' Court, a final plat for recording shall be prepared and submitted to the Commissioners' Court at least fifteen (15) days prior to the meeting at which approval is asked. The recording plat shall be on a sheet size of 11" x17" only and shall be to a

scale not exceeding one (1) inch equals three hundred (300) feet. The recording plat shall be on linen, paper, or other permanent type material and must be reproducible. If the recording plat is a photographic reduction of a larger scale original, then the scale shall be shown in graphic form. All figures and letters shown must be plain, distinct, and of sufficient size as to be easily read, and must be of sufficient density to make a lasting and permanent record. Two (2) prints of the recording plat shall be submitted to the Commissioners' Court at the time the recording plat is submitted, one copy of which will be given to the Sutton County Tax Appraisal Office.

- 4) The recording plat shall show the following information:
  - a) The name of the subdivision, scale and North point;
  - b) The name of adjacent subdivisions, if any, and the names of streets within the subdivision, the number of linear feet of roadway to be constructed or maintained, and the lot, block and section numbers within the subdivision. The plat shall show at least one hundred (100) feet of the adjoining property;
  - c) The perimeter boundary of the subdivision shall be shown with bearings and distances, referenced to survey lines or fractional survey lines and shall be described by metes and bounds. **THE ACREAGE IN EACH SURVEY MUST BE SHOWN.** A copy of the plat must accompany the field notes. The plat copy will be retained by the Sutton County Tax Appraisal Office. The signed field notes shall be submitted to the Commissioners' Court at the time of final approval;
  - d) The 100 year flood plain shall be shown and all lots or any part of a lot that lies within the 100 year flood plain shall show the elevation of the said lot at the point of proposed construction of a residence;
  - e) Location of lots, streets, roads, public highways, utility easements, parks and other features, shall be shown with accurate dimensions in feet and decimals of feet and bearing, with the length and radii of all curves, and with all other information necessary to duplicate the plat on the ground;
  - f) The location of building set-back lines on all streets, and the location and dimension of utility and drainage easements and other public rights-of-way or access;
  - g) Certification by the Owner of his dedication of all streets, public highways, alleys, utility easements, parks and other land intended for public use signed and acknowledged before a Notary Public, by said Owner and by all other parties who may have lease rights, mortgage and lien interest in the property.
  - h) Certificate of approval signed by the designated representatives of the City having extraterritorial jurisdiction over the area in which the subdivision is located, if any.
  - i) Certification by a Registered Public Surveyor or a Registered Professional Engineer to the effect that the plat correctly represents a survey made by him, and

that all the lot corners and boundary markers are correctly placed as shown thereon. Markers shall be of metal or concrete firmly placed in the ground so as to be permanent.

- j) Spaces shall be provided for the County Judge and County Commissioners to sign indicating their approval of the plat. A subdivision may be recorded by Sections, or the entire subdivision may be recorded, and, in either case, that portion to be recorded shall be accompanied by a set of field notes describing that portion which is to be recorded. Field notes and dedications to be filed separate from the plat on 11" x 17" paper, signed and acknowledged by the owner.
- k) A copy of the restrictions imposed within the subdivision by the developer
- l) Owner shall accompany the final plat. If sewage disposal is to be done by means of individual septic systems, the restrictions shall clearly indicate the length of lateral lines to be imposed as a minimum on each lot within the subdivision and require that the sewage systems meet minimum recommended specifications. The lateral lines and sewage system design and specifications shall be in accordance with the book, "Construction Standards for Private Sewage Facilities," published by the Texas State Department of Health and shall be approved by the County Sanitarian or County Health Officer. The Commissioners' Court may, at its own discretion, appoint a Registered Public Surveyor and/or Professional Engineer as the designated representative of the Court to examine the subdivision on the ground to assure itself that the plat and related documents accurately represent the subdivision.
- m) After examination of the final plat, the Commissioners' Court shall indicate to the Owner as to its intent to approve or disapprove the plat. It shall be clearly understood, however, that no plat will be finally approved for recording until such time as all streets, culverts, utilities, etc., have been installed and inspected within the subdivision and/or the bond required in filed and approved. It shall be the responsibility of the Commissioner in whose precinct the subdivision is located, or his designated representative to make the inspection of streets, culverts, utilities, etc., and he shall report his findings to the Commissioners' Court. If the construction of the above-mentioned items is satisfactory to the Commissioners' Court, then the Owner shall appear before the Commissioners' Court and request that the plat be filed for record and the Commissioners' Court shall at that time sign the plat indicating its approval.
- n.) The following statement shall be noted on the face of the final plat:

"Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the floodway is prohibited. The existing creeks or drainage channels traversing along or across the property will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.



Sutton County will not be responsible for the maintenance and operation of said drainage ways or the control of erosion. Sutton County will not be responsible for any damage, personal injury or loss of life or property occasioned by flooding or flooding conditions.”

m) The following statement shall appear conspicuously on all final plats:

“SUTTON COUNTY AND THE SUTTON COUNTY UNDERGROUND WATER CONSERVATION DISTRICT MAKE NO REPRESENTATION OR GUARANTEE AS TO WATER QUALITY OR THAT A PRESENT OR FUTURE ADEQUATE WATER SUPPLY EXISTS.”

## SECTION G: ROAD DESIGN AND CONSTRUCTION SPECIFICATIONS

1 GENERAL REQUIREMENTS General Requirements pertaining to subdivisions within Sutton County, Texas, having been considered by the Commissioners' Court shall be as follows:

(a) Street Arrangement: Unless otherwise approved by the Commissioners/ Court, provision must be made for the extension of existing topography as nearly as possible, in order that drainage problems may be reduced. Streets should, wherever possible, follow valleys or depressions so as to form a collection system for surface water.

(b) Street Design: Main Artery Streets.

1. Provide for the right-of-way on main artery streets or roads within the subdivision of a width of not less than sixty (60) feet nor more than one hundred (100) feet.

2. The street cut on main arteries within the right-of-way shall be not less than twenty (20) feet nor more than thirty-five (15) feet. All streets shall have at least a six (6) foot shoulder and six (6) foot back slope.

3. Street Construction Standards. Unless prior permission is granted by the Commissioners' Court to deviate from the standards herein imposed, all streets shall be constructed in accordance with Attachment "A", Owner is advised to contact the Commissioners' Court regarding street construction standards imposing requirements of caliche road construction and permission to use these caliche road requirements.

4. Where a County Road abuts the subdivision, the Owner shall set back the subdivision line thirty (30) to fifty (50) feet from the centerline of the existing County road, depending on the area.

(c) Street Design; All Other Streets.

1. Provide for rights-of-way on all other streets or roads within the subdivision of not less than forty (40) feet nor more than fifty (50) feet.

2. The street cut on all other streets to be not less than twenty (20) feet nor more than thirty (30) feet.

3. Street Construction Standards. Unless prior permission is granted by the Commissioners' Court to deviate from the standards herein imposed, all streets shall be constructed in accordance with Attachment "A". Owner is advised to contact the Commissioners' Court regarding street construction standards imposing requirements of caliche road construction and permission to use these caliche road requirements.

(d) Street right-of-way width, street cut width, and construction standards to be followed in the subdivision will take into consideration the amount and kind of travel over said streets. No standards of streets shall be less than the State law requires. Any street standards changed by the State shall change County standards accordingly.

(e) Dead-end Streets: Except in very unusual cases, no dead-end streets will be approved unless such dead-end streets are provided to connect with future streets on adjacent land, but cul-de-sacs may be permitted where the form or contour of the land makes it difficult to plat with connecting streets. Such cul-de-sacs shall provide proper

access to all lots, and a turnaround shall be provided at the closed end, with an outside street line radius of at least fifty (50) feet,

(f) **Adjoining Streets and Land:** The system of streets designated for the subdivision except in very unusual cases, must connect with streets already dedicated in adjacent subdivisions; and where no adjacent connections are platted, must be continued to the boundaries of the tracts subdivided, so that other subdivisions may connect therewith.

(g) **Lots:** All lots so far as practicable, shall have the side lines at right angles to the street on which the lot faces, or radial to curved street lines. All lot corners, angle points, point of curve. etc., shall be marked with steel rods or concrete markers all securely fastened in the ground. Lots must have at least seventy-five (75) feet of frontage on a street.

(h) **Building Lines:** Building set-back lines shall be shown on all lots intended for residential use, and shall provide for a minimum set-back distance of at least thirty (30) feet. If the lots within the subdivision are large, a greater set-back distance should be considered.

(i) **Utility Easements:** Utility easements of not less than ten (10) feet shall be provided on each side of lot lines.

(j) **Drainage Easements:** Where draining within the subdivision may create a problem, provisions shall be made for draining easements to allow for proper control of drainage, and for future maintenance within the easement area.

(k) **Construction:** Prior to beginning any construction within the subdivision, the Owner shall contact the Commissioner in whose precinct the subdivision is located. The Commissioner or his designated representative shall go over the construction plans of the Owner. Any reasonable changes in the plans required by the Commissioner shall be implemented by the Owner. All installations and work in any subdivision must be approved by a majority of the Commissioners' Court to be final. All streets shown on the plat must meet the following specifications unless prior permission for variation hereto is granted by the Commissioners' Court:

1. The Landowner or Developer will grade up the road bed to an approved level and said road must have v-type bar ditches sufficient to insure proper drainage.

2. The main artery road beds, after they have been graded, compacted, and approved in an on-site inspection by the Commissioner or his designated representative, will be covered with a minimum width of twenty (20) to thirty-five (35) feet of good grade base material-six (6) inches in depth after compaction to form a solid base. All other streets after being graded, compacted, and approved in an on-site inspection by the Commissioner or his designated representative will be covered with a minimum width of twenty (20) to thirty (30) feet of good grade base material six (6) inches in depth after compaction to form a solid base. Before application of base material, the Commissioner or his designated representative in whose precinct the subdivision is located must approve the base material.

3. **Seal Coatings:** When white rock base material is used, it must be primed with an asphalt primer coat the full width of the bed, applied at a minimum of .30 gallons per square yard. Said primer coat must be of an approved type by the Commissioners' Court (mc-0, mc-1, etc.).

a. Prior to the application of any sealing material, the road bed must be graded and smoothed and rubber tire rolled to eliminate any

irregularities in the surface. To insure an acceptable surface, water must be used in the rolling and budding process.

b. Asphalt Specifications: Asphalt used shall be AC-10 or equivalent or heavier.

(1) Seal coat width on main artery roads shall be not less than 20 feet nor more than 35 feet.

(2) Seal coat width on secondary streets shall be not less than 20 feet nor more than 30 feet. (3) Seal coat shall be two applications as set out below:

(a) First coat shall be #3 grade crushed rock or 03 grade washed gravel, or industry equivalent to make a 3/4 inch surface (approximately one cubic yard to 65 square yards). The rock shall be imbedded by a rubber tire roller in asphalt (AC-10 or heavier) applied at a rate of .30-.45 gallons per square yard at a minimum temperature of 3500 Fahrenheit.

(b) Second coat shall be of .5 grade crushed rock or #5 grade washed gravel or industry equivalent applied to make a 7/16 inch surface (approximately one cubic yard to 110 square yards). The rock shall be imbedded by rubber tire roller in asphalt (AC-10 or heavier) applied at a rate of .15-.25 gallons per square yard at a minimum temperature of 3500 Fahrenheit

(c) Prior to application of primer and seal coat, the Owner/Developer shall contact the Commissioner of that precinct or his designated representative, for an on-site inspection of the road bed.

4. All of the grading and gravel must meet the inspection and approval of the Commissioner in whose precinct such addition or development is located, or his designated representative.

5. The Landowner or Developer will be required to contact the Commissioner in whose precinct the addition and/or development is located, or his designated representative, for an on-site inspection prior to the commencement of any work in the development or addition, in order that the Commissioner or his designated representative may make specific recommendations as to any drainage structures that may be required for the Addition, Or other recommendations concerning the subdivision.

6. The Landowner or developer will be required to install culverts on all entrances and across draining areas of sufficient size to permit proper drainage, and shall consult with the Commissioner on the size and installation.

## SECTION H. WATER AVAILABILITY REQUIREMENTS

**1. General:** Pursuant to Chapter 35, Section 35.019, Texas Water Code, the Sutton County Commissioners Court has the authority to require any person seeking subdivision plat approval to show:

a. Compliance with Water Availability Requirements adopted by the Commissioners Court.

b. That an adequate supply of water of sufficient quantity and quality is available to supply the number of lots proposed for the platted area.

2. The provisions of Title 30 Texas Administrative Code Chapter 230, regarding groundwater availability certification for platting, apply in Sutton County. If groundwater is the source of water supply for a subdivision, the developer must obtain certification by a licensed professional engineer or licensed professional geoscientist registered to practice in Texas that adequate groundwater is available for the subdivision. Lack of certification that suitable and adequate 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.

3. The Rules of the SCUWCD apply to production rates, spacing, and availability of water in the aquifer. All subdivisions within the SCUWCD are subject to regulation of the water supply in accordance with the SCUWCD's Desired Future Conditions and its Modeled Available Groundwater.

4. The Drought Contingency Plan of the SCUWCD applies to any subdivision within the SCUWCD that uses groundwater as its source of water supply, meaning that in times of drought the SCUWCD will require reduction in groundwater use to preserve water availability for all citizens of the county.

## SECTION I: BOND REQUIREMENTS

Landowner or Developer's Bond. The Landowner or Developer desiring to construct any of the improvements covered by these Subdivision Requirements and who has not constructed the streets and drainage structures required prior to approval of the Final Plat, shall execute a cash bond or a Corporate Surety Bond, made payable to the County Judge and his successors. The bond shall be in such an amount as may be determined by the Commissioners' Court not to exceed the estimated cost of constructing roads or streets, on approval by the Commissioners' Court, a cash bond is to be filed at the office of the County Treasurer; a surety bond is to be filed at the office of the Road Superintendent; conditioned that the principal on the bond will faithfully comply with all the requirements of the Commissioners' Court concerning the building of streets, drainage facilities, culverts and entrances, and the correction and repair of all defects in said streets and drainage structures for the period of construction. After construction is completed, the owner shall apply as set out below for release of his construction bond and shall substitute a maintenance bond which shall be made payable to the County Judge and his successors in the sum of Five Dollars per foot of street, to be approved by the Sutton County Commissioners' Court and filed with the County Treasurer or public works administrator conditioned that the principal on the bond will, for one (1) year from the time the Construction Bond is released, repair and correct any defect in street and drainage structures thereon. where the Owner or Developer has constructed the streets and drainage structures required by this minute prior to approval of the Final Plat, he shall execute a Corporate Surety Bond, made payable to the County Judge and his successors in the sum of Five Dollars (\$5.00) per foot of street, to be approved by the Sutton County Commissioners' Court and filed with the County Treasurer or Public Works Administrator conditioned that the principal on the bond will, within one (1) year from the time the Final Plat is approved, repair and correct any defect in said street and drainage structures thereon.

The release of any bond shall be by a minute of the Commissioners' Court.

To request a release, the Landowner or Developer who posted the bond in question shall, in writing, request the release of said bond. The request shall contain a statement by the Landowner or Developer of compliance with the Subdivision Rules and Regulations of Sutton County, Texas, and the date the bond was originally accepted by the Commissioners' Court. The written request for release of bond shall be sent to the County Judge and a copy of said request shall be sent to the Commissioner of the precinct in which the subdivision is located, allowing said Commissioner sufficient time to make a final on-site inspection of the subdivision before the release of bond is heard by the Commissioners' Court.

## SECTION J: MISCELLANEOUS

The following shall be conspicuously placed on the final plat:

Water - Sutton County will not provide water services to this subdivision. Sutton County and the Sutton County Underground Water Conservation District make no representation or guarantee as to water quality or that future water supplies exists. Owners agree to indemnify and save harmless Sutton County, from all claims, damages and losses arising out of or resulting from performance of the obligations of said owners set forth in this paragraph. The subject tracts will have access to a water supply; being private water well or a signed water sharing agreement from a neighboring tract.

Sewage and Waste - Sutton County will not provide waste/septic services to this subdivision. Any landowner wishing to build a structure on a tract in this subdivision must abide by Sutton County's requirements pertaining to waste/septic systems. The sewage and waste facilities existing or which may be constructed or installed by owners of the tracts or lots within this subdivision must satisfy all applicable minimum state and county laws, rules, regulations and requirements as currently exist or which may be implemented or amended in the future. These requirements may include, for example, a permit for construction or installation of a sewage system, septic system, or similar facility.

Electricity - Sutton County will not provide utilities to this subdivision. Each tract of land must have access to electricity. Electric easements are shown on the plat.

**NOTICE REGARDING FLOOD-PRONE AREAS:** If indicated by the contour lines on this map, any roads that cross draws, ravines, gullies and similar topographical features are subject to being 'washed-out" during periods of heavy rains or flooding. Although these areas may be dry virtually all of the year, in addition to being extremely dangerous during periods of high or fast moving water, such flooding can destroy the road-crossing area making vehicle travel difficult or impossible even for four-wheel drive vehicles until such crossings are properly worked with road maintenance equipment. Any such roads that are private roads are not a part of Sutton County's road system and are not the responsibility of Sutton County for repair after being washed out.

If the Commissioners Court waives the road construction requirements the following shall be conspicuously placed on the final plat:

Roads - Sutton County will not be responsible for road maintenance in this subdivision. All roads on this subject property will be private roads. The roads, streets, ditches, bridges, crossings, culverts and other such facilities and improvements in this subdivision **HAVE NOT BEEN DEDICATED** to public use and Sutton County (the "County") is not obligated to construct or maintain such facilities and improvements, nor is the County responsible for constructing or maintaining any non-county roads which provide access to this subdivision. **FURTHERMORE**, acceptance or approval by the County of this plat does not imply, nor shall same be construed as an acceptance of dedication to the public of any such facilities and improvements in and to this subdivision. The County shall not be obligated in any way or manner, financial or

otherwise, to construct or maintain the roads, streets, ditches, bridges, crossings, culverts and other such facilities and improvements; and the County is hereby fully and completely released and relieved from all such obligations or responsibilities, if any, with regard to this subdivision. Sutton County shall not be responsible for maintenance of private streets, drives, emergency access easements, recreation areas and open spaces; the property owners in this subdivision shall be responsible for the maintenance of private streets, roads, drives, emergency easements, recreation areas and open spaces, and said owners agree to indemnify and save harmless Sutton County, from all claims, damages and losses arising out of or resulting from performance of the obligations of said owners set forth in this paragraph.

**If any section, subsection or paragraph of this minute of the Sutton County Commissioners' Court, or the application thereof, is held invalid for any reason, such invalidity shall not affect any other provision of this minute which can be given effect without the invalid provision or application and to this end, this minute is severable.**

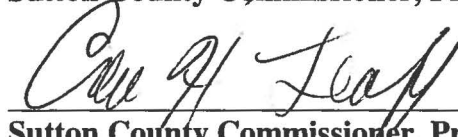
**1. Effective Date**

These Subdivision Regulations shall become effective for all purposes on the 12<sup>th</sup> day of September, 2016.


**PASSED AND APPROVED BY THE COMMISSIONERS COURT OF SUTTON COUNTY, TEXAS this 12<sup>th</sup> day of September, 2016.**

  
Sutton County Commissioner, Precinct 1

  
Sutton County Commissioner, Precinct 2

  
Sutton County Commissioner, Precinct 3

  
Sutton County Commissioner, Precinct 4

  
SUTTON COUNTY JUDGE

Attest:

  
Sutton County Clerk