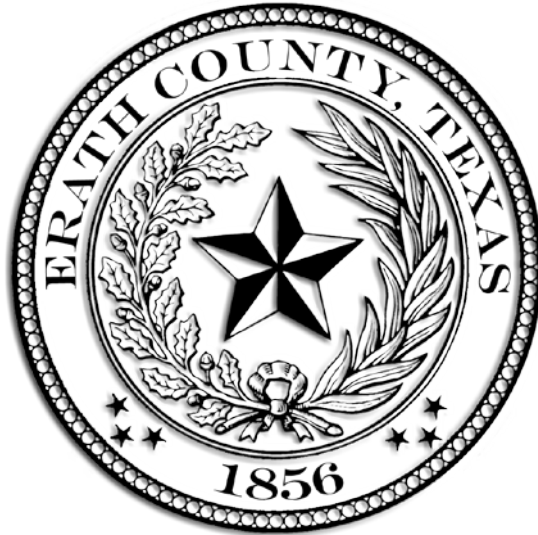




**ERATH COUNTY  
SUBDIVISION &  
RURAL DEVELOPMENT  
REGULATIONS**

*REVISED JULY 27, 2020*



|  |                     |
|--|---------------------|
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| <b>Environmental Officer: Keith Bailey</b>           | <b>254-965-1414</b> |

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# SECTION I - ERATH COUNTY SUBDIVISION REGULATIONS

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## ARTICLE I: AUTHORITY, PURPOSE & SCOPE

### Authority

These rules are adopted by the Commissioners Court of Erath County, Texas, acting in its capacity as a governing body of Erath 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 Erath 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 Erath 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, roadway intersections, 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 Erath County will not be burdened with substandard roads in the future.

### 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 Erath County, Texas shall administer these rules, which shall apply to all subdivisions whose plans, plats or re-plats are filed with the Erath County Clerk on or after July 27, 2020.

## ARTICLE II: DEFINITIONS

### Application

A submittal that includes a completed Plat Application form (as found in Appendix A) along with all required attachments which may be required as part of that submittal and the appropriate review fee. These attachments may include, but are not limited to, drawings, drainage or geotechnical reports or electronic data files.

### Commissioners Court

As used herein, "Commissioners Court" means the Commissioners of Erath County, Texas.

Easement

A right of access which is granted for the purpose of limited public or semi-public use across over or under private land.

Lot

Land occupied or to be occupied by a building and its accessory buildings and including open spaces are required by any applicable regulations which are part of the subdivision (such as parks), and having its principal frontage upon a public road or officially approved place.

Record Plat

The final plat drawing of a subdivision which has been approved in accordance with the requirements of these rules and has been filed for record with the County Clerk of Erath County, Texas.

Private Subdivision

A subdivision in which the owner wishes to create a subdivision utilizing private roads.

Subdivision

The term "subdivision" means the division of a parcel of land into two or more lots or tracts for the purpose of development, dedication of roads or easements, or for use for building development. A division of land for agricultural purposes into lots or tracts, not to exceed five (5) in number, of ten (10) acres or more and not involving a new road or alley shall not be deemed a subdivision.

Each such tract must include not less than two hundred (200') feet of road frontage per tract and must also exhibit not less than five hundred (500') feet of visibility in either direction on said road from any and all point(s) of ingress/egress into and from said tract, including any driveway(s) associated with such tract.

The term also includes multi-unit residential developments, and other similar developments, as well as re-subdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. (Note: The Erath County Commissioners Court hereby retains the power and right to further define the term "subdivision" and to decide, on a case-by-case basis, whether or not these Subdivision Rules apply to any particular development within the Commissioners Court's jurisdiction.) The terms "subdivider" and "developer" are synonymous and shall include any person, agent, employee or trustee of any such entity who does or participates in the doing of any act toward subdivision of land within the scope of these rules.

### ARTICLE III: 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 Part III of these Rules, shall submit a Plat to the Erath 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 Commissioners Court 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 Erath County Commissioners' Court or its designee. (Also referred to as the Preliminary Plat).

### ARTICLE IV: 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. Consultation verification by licensed sanitarian.
- o. Site suitability study by Professional Engineer or Registered Sanitarian.
- 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. Lots with access to State or U.S. highways must have the approval of Texas Department of Transportation.
- s. Consultation with utility provider.
- t. Paid Tax Certificate.
- u. Consultation with 911 addressing.

#### Designated County Official

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

#### 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 Erath County Commissioners Court or its designee. The Erath County Commissioners Court shall notify the applicant of its determination in writing. If the plan is approved, rejected, or approved with conditions the Erath 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 commissioner's court or its designee shall make the determination of whether the 30-day period will be extended not later than the 20<sup>th</sup> 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 commissioner's 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 Erath 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 Erath County Commissioners Court approves the proposed Preliminary Plat.

**ARTICLE V: EXEMPTIONS**

The following types of land divisions into two (2) or more tracts are exempt from the platting requirements of these Subdivision Regulations provided that, except for manufactured housing rental communities, no part of the land is intended or designed for the laying out of any of the following facilities intended to be dedicated to the County for public use or for the use of purchasers or owners of lots, parcels or tracts fronting onto or adjacent to such facilities: (i) roads or streets; (ii) alleys; (iii) squares; (iv) parks; (v) public utility easements; (vi) public rights-of-way; (vii) drainage or storm water improvements; (viii) other public facilities.

- 1) Divisions in which all tracts are intended to be used primarily for agricultural use, or farm, ranch, wildlife management or timber production use, as defined by Section 1 -d, Article VIII of the Texas Constitution;
- 2) Divisions into four (4) or fewer parcels, if each of the lots are sold, given or otherwise transferred to an individual who is related to the owner within the third degree of consanguinity or affinity (if any of the lots are sold, transferred or otherwise distributed to individuals who are not related to the owner within the third degree of consanguinity or affinity, the platting requirements of these Regulations apply);
- 3) Divisions in which all of the lots of the subdivision are more than ten (10) acres in area;
- 4) Divisions in which all the lots are sold to veterans through the Veterans' Land Board program;
- 5) Divisions in which one new part is to be retained by the owner, and the other new part is to be transferred to another person who will subdivide the tract subject to the plat approval requirements of these Regulations;
- 6) Divisions in which 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;
- 7) Divisions in which the owner of the land is a political subdivision of the State, the land is situated in a flood plain, and the lots are sold to adjoining landowners; or

Land divisions that are initially exempt, under this Section, or development on tracts which were a part of a division that was initially exempt, require approval under these Subdivision Regulations at the time that subdivision of the land is proposed to occur or at the time that the intended development on the tract exceeds the nature of the particular exemption.

Exemption under these Regulations does not exempt the development of the property from requirements arising under the County's development permit orders or orders governing on-site sewage facilities.

## 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 "Erath 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 accepted 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, three 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 Erath County Commissioners Court receives written confirmation of completion from owner.

3. Certificate of Compliance by Commissioners Court

If the Erath 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 Erath 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 Erath County Commissioners Court, and may be filed for record in the Plat Records of Erath County by the County Clerk.*

\_\_\_\_\_  
County Judge"

## 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. Subdivision 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 sanitarian 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 a State-approved disposal sewage system is not provided, the subdivider will have soil tests made in accordance with applicable Erath County and State regulations then in effect for installation of private sewage facilities so that a minimum of ten percent (10%) of the proposed tracts or lots have been approved by a licensed sanitarian.

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 sanitarian 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 Erath 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. [Note: 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 Erath County, Texas, Must Be Met, With No Exceptions***

ARTICLE V: ROADS

Roadway Layout

A. Internal streets shall be so laid out that their use by through traffic will be discouraged, but access may be provided to adjacent development.

B. The subdivision shall provide at least one point of access to an arterial or Collector Street and shall provide no less than one (1) entrance for each seventy-five (75) lots, including stubs for future development or connection to an existing major collector or arterial.

C. Any owner that gates the entrances to the subdivision shall provide either a crash gate, a lock box, and/or an electronic device for entry by emergency response agencies stating their approval of full time access to and from the subdivision.

D. The Commissioners' Court may require gates and/or warning devices at all road crossings where a storm event is anticipated to flow over the road surface

E. All roads are preferred to intersect at ninety-degree (90) angles; where this is not possible, the intersection on the side of the acute angle must be cut back, as specified by the Commissioner for the Precinct where the subdivision is located, but in no case will the cut-back be less than twenty-five feet (25').

F. Roads should avoid abrupt offsets insofar as possible. Roads should provide for continuation of appropriate projection of existing roads in surrounding areas. New roads of like alignment shall bear the names of existing roads and shall be dedicated at equal or greater widths than existing roads.

Right of Way

Road right-of-way widths shall meet the following guidelines:

County Roads – minimum of 60 feet, depending upon the location and the city road plan with which the major thoroughfare is to be connected.

[Note: Should there exist a subdivision on only one side of any County Road, the right-of-way width as to the subdivision-side of said County Road must be a minimum of 30 feet from the center of said County Road.]

#### Design Criteria and Construction Standards for Streets

A. Proposed streets must conform to existing topography, as nearly as possible, in order that drainage problems may be reduced and/or avoided. Streets should, whenever possible, follow valleys or depressions so as to form a collection system for surface water.

B. The classification and construction standards for all public or private streets shall be determined according to the average daily traffic anticipated for the streets. All streets shall be constructed in accordance with the Road Construction Standards of Erath County on Page 14 of these rules and the "Standard Specifications for Public Works Construction," published by the NCTCOG, as may be amended.

C. Street (Block) Length. The maximum length of any block or street segment shall be one thousand eight hundred feet (1,800'), as measured along the street centerline from the point(s) of intersection with other through (i.e., not dead-end or cul-de-sac) streets.

D. Cul-De-Sacs. A street ending in a cul-de-sac shall not be longer than six hundred feet (600'), as measured from the centerline of the intersecting street to the center point of the bulb, and shall have a properly designed turnaround at the closed end. If a central water system exists, with properly placed fire hydrants, then the turnaround shall have a minimum outside roadway (i.e., pavement) diameter of at least eighty (80'), and a minimum bulb right-of-way diameter of at least one hundred feet (100). If no central water system exists, then the turnaround shall have a minimum outside roadway (i.e., pavement) diameter of at least one hundred feet (100'), and a minimum bulb right-of-way diameter of at least one hundred and twenty feet (120'). Dead end streets are prohibited.

E. Flag Lots.

Lots with a very narrow corridor intersecting the roadway (County or State) with the majority of the property behind another lot or lots fronting the roadway. Flag lots are prohibited.

#### 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 Erath County. All street names shall be approved by the Erath County 911 Coordinator and the Erath 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 Erath County. Final approval of the construction will not be given by the Erath Commissioners Court until all signs are installed.

#### Mailboxes

1. Mailboxes shall be set at least one foot (1'), but no more than three feet (3'), back from the curb, paving edge, or shoulder area of the permitted street upon which the property is addressed.

2. All mailboxes within County rights-of-way shall meet current TxDOT standards if the speed limit on the County road is more than 40 miles per hour. Mailboxes in subdivisions with speed limits at or below 40 miles per hour must meet U.S. Post Office requirements, and must be placed in a manner that does not interfere with the efficient movement of traffic or with visibility from driveways, side streets, and other access points.

3. All mailboxes along arterials shall be of a "break-away" type design (this type of design is also encouraged along collector and local streets). Clustering of mailboxes is greatly encouraged.

#### Inspection of Roads

Two Commissioners have reviewed and approved all required inspections and tests at the completion of each phase of construction of the road, tests include atterberg limits and moisture-density relationships for the subgrade and base, depth of base material, type and placement of the surface course (it is the responsibility of the developer to coordinate all inspections and laboratory tests with the Commissioner's Court), and not to proceed with construction until proper inspections and tests have been obtained, as required by the County Commissioner. All laboratory tests shall be at the expense of the developer. In no event will any base be placed on the road until the subgrade has been inspected at each phase of construction and approved in writing by the County Commissioner.

## ROAD CONSTRUCTION STANDARDS

### 1. General

The Erath County Commissioner's Court shall be notified forty-eight (48) hours prior to the commencement of any major construction items such as subgrade stabilization, installation of flexible base, prime coat application or placement of surface course. It shall be the owner/developers responsibility to provide adequate inspection of the construction to insure compliance with county standards. All construction and testing reports shall be furnished to the Commissioner's Court certifying that the construction requirements of these standards have been met. The test results must be approved prior to initiating the next phase of construction.

A "STOP WORK ORDER" shall be issued whenever the owner/developer or his contractor fails to adhere to the approved plat, construction plans or these specifications. The owner/developer may not continue development until the deficiencies listed in the "STOP WORK ORDER" are corrected. If the owner/developer or his contractor fails to correct the deficiencies, the Commissioners' Court will not accept the roadway and/or subdivision.

Roadways built within the unincorporated areas of Erath County shall be designed and constructed to achieve a minimum Structural Number (SN) of 2.50. The Erath County Commissioners' Court has approved the following road section comparisons:

(a) The road right-of-way shall be cleared of trees and roots and the road-bed graded up to an approved level.

(b) Drainage Pipe: The Developer will be required to install corrugated metal pipe culverts according to the Drainage Plan Submitted and approved by the Commissioners court. Grading at all culverts will be on a 3-1 slope.

(c) The road sub-grade material shall be checked by a qualified laboratory and where the Plasticity Index (P.I.) of the material is twenty (20) or less, the top six (6) inches of the sub grade shall be scarified, mixed and compacted to a minimum of 95% of the maximum density as determined by TX Dot Test method Tex-113 E at a moisture content between 2% below and 4% above the optimum moisture content. Where the P.I. of the raw sub grade is greater than 20, the top 6" of the sub grade shall be stabilized with Hydrated Lime slurry at a rate of 27 lbs. of hydrated lime per square yard and compacted to 95% of maximum density as determined by TX Dot Test Method Tex-121-E, Part II. Lime slurry shall be Type B as defined in TXDOT Item 264, "Lime and Lime Slurry" and placement shall conform to TX Dot item 250, "Lime Treatment for Materials used as sub grade" (Road Mixed).

All embankments constructed under roads and roadways shall be constructed in layers not exceeding 8" in compacted thickness and shall be compacted to 95% of maximum density as determined by TX Dot test method Tex-113-E at moisture content between 2% below and 4% above optimum moisture.

(d) Flexible Base: After sub grade has been completed and approved, the roadbed shall be covered to a minimum width of twenty-eight (28) feet and with a minimum compacted depth of 6" with



crushed stone (Texas Department of Highways & Transportation, Item 247, Grade A number 2). The crushed stone shall be mixed, watered, and compacted to a minimum 95% of maximum density as determined by TX Dot Test method Tex-113-E at moisture content between 2% below and 4% above the optimum moisture content.

(e) Paving: After crushed stone base has been compacted, cured and approved for paving, base shall be primed for a minimum width of 24' (twenty-four feet) with AEP prime at a rate of .15-.2 gallons per square yard, or an equivalent product approved by the County Commissioner for this precinct.

Paving shall be completed at a minimum width of 24' (twenty-four feet) with two (2) courses of asphalt and Grade 4, Type A Cover Stone. The asphalt shall be AC-5, AC-10, or approved equal. Paving shall be applied at temperature of 70° (seventy degrees) Fahrenheit and rising, i.e., equal to or greater than said temperature. (Note: Any roadway with a grade of 13% or more shall include at least two inches of hot mix.)

It shall be applied at a rate of .3 gallons or more per square yard. Cover stone shall be spread at a rate of one yard to eighty (80) to ninety (90) square yards. After curing a minimum of two (2) days, a second coat of asphalt and cover stone may be applied. After each application of asphalt and rock, the pavement shall be rolled with a pneumatic roller a minimum of twice over.

### ARTICLE VIII: ACCEPTANCE OF ROAD MAINTENANCE AND BONDING REQUIREMENTS

Owners Maintenance Responsibility.

The owner shall remain responsible for all maintenance and repair of the roads within a subdivision until the Commissioners Court, by formal written action or minute order in accordance with this Article and Section 4.06 herein, accepts the obligation to maintain and repair such roads. The Commissioners Court's decision to approve a record plat or dedication of the right-of-way for a road shall not be deemed to constitute acceptance of the roads for maintenance.

County Acceptance of Roadways

- 1) All streets and roads will not receive consideration for final approval by the Commissioners Court until at least two (2) years after original construction of streets and roads is completed. Subdivisions in which there has been insufficient use of the streets and roads to insure their stability will not be considered for acceptance by the Commissioners Court until such time as there is sufficient development to insure street and road stability. Development will not be considered sufficient until such time as 80% of the existing lots are completed and occupied, or, improvements have been added to the real estate which, when taxes are levied on such improvements, will provide tax revenues in the Road & Bridge dedicated funds equal or exceeding the "average dollar amount" computed, at the end of the fiscal year, to maintain the number of miles of county road with a like surface. The "average dollar amount" shall be defined as the total expenditures in the four Erath County Precinct Funds, less no-road related expenditures, divided by the total miles of accepted county roads.
- 2) The owner has submitted a written request to the County Commissioner. If the owner is no longer available (i.e., has ceased to transact business or, in the case of an individual, has died), any person owning property with frontage or access onto the road may submit the written request.
- 3) Two Commissioners have inspected the roads (first inspections) no earlier than thirty (30) days prior to the Commissioners Court's acceptance of the roadway, and has submitted to the Commissioners Court an inspection report stating that:
  - (a) The road, in its current condition and with no repairs, upgrades or improvements, is in compliance with the regulations and all other guidelines in effect at the time of inspection.

- (b) The requirements of these Rules regarding construction of drainage structures and driveway drain pipes have been satisfied;
- (c) The County Commissioner recommends acceptance of the road and a (2) year maintenance bond to the Commissioners Court.

## Maintenance Bond

Once the Commissioner's Court has voted to accept the subdivision roads the owner or applicant asking for acceptance of roads, must post cash, bond or a letter of credit (a "Maintenance Bond"), with the county auditor to secure the proper construction and maintenance of the roads prior to county acceptance thereof in an amount equal to twenty-five (25%) of the construction costs of the roads, for a term of two (2) years following acceptance by the county. At the conclusion of two (2) years, the county shall assume full maintenance responsibilities, if the following requirements have been met:

- (1) A final inspection (second inspection) shall be made within thirty (30) days of lapse of the twenty-four (24) month maintenance bond after acceptance of the roadway. If no maintenance is necessary, then the bonding requirements will be deemed to have been met.
- (2) The subdivider will be notified, in writing, of any work found not in compliance with these regulations. The Commissioners Court will establish a reasonable time for correction of the defective work, and the subdivider shall make the necessary corrections within the time set, or such corrections will be made by action taken upon the performance bond.
- (3) No road will be accepted for maintenance by Erath County which contains a petroleum pipeline within the right-of-way, other than crossing pipelines.
- (4) The roads or roads in any subdivision will not be accepted for final maintenance by the Commissioners Court until all the requirements and conditions regarding road names and road signs have been complied with.

## ARTICLE IX: UTILITIES

### 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.

### Utility Lines in Rear of Homes

Utility lines which are to be above ground are preferred to be in the rear of homes or other buildings. Underground lines shall be prominently marked along the length of the lines.

### County Not Liable

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

## ARTICLE X: GENERAL PROVISIONS

- A. General – The Commissioners Court of Erath County recognizes that there are vast differences in terrain and population density in Erath 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.

Variations 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 Marshall 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 Erath County Subdivision Rules must be furnished to each purchaser of land within a subdivision by the developer.

## ARTICLE XI: 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 Erath 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.

## XII: 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 Erath County outside the city limits of any incorporated city and outside the limits of the extra territorial jurisdiction (ETJ) of any incorporated city within Erath County, Texas.

## XII: 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 Erath County Commissioners Court, in regular session, on this the 27th day of July, 2020.

\_\_\_\_\_  
Alfonso Campos, Erath County Judge

\_\_\_\_\_  
Dee Stephens, Commissioner PCT 1

\_\_\_\_\_  
Albert Ray, Commissioner PCT 2

\_\_\_\_\_  
Joe Brown, Commissioner PCT 3

\_\_\_\_\_  
Jim Buck, Commissioner PCT 4

Attest: \_\_\_\_\_  
Gwinda Jones, Erath County Clerk

(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"/> Stephenville 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 Judge's office at email: laurie.gillispie@co.erath.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 Erath 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 BY ERATH COUNTY CLERK (Office use only)**

|   |  |
|---|--|
| Date Application Received: ____ / ____ / 20____ | Application Fee received by:   |
| Fee Amount Paid \$_____                         | <input type="checkbox"/> Cash <input type="checkbox"/> Check # _____<br><input type="checkbox"/> Credit/Debit <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.**

**RECEIPT BY ERATH COUNTY JUDGE'S OFFICE (Office use only)**

|   |  |
|---|--|
| Date Application Received: ____ / ____ / 20____ | Date Application Accepted/Rejected: ____ / ____ / 20____ |
| Signature:                                      | Signature:   |

Receipt of this application by Erath County does not provide confirmation or acceptance of a complete application, nor does it waive requirements for any additional information not contained as part of this application which may also be needed as a part of the review process.

(Appendix B)  
FEE SCHEDULE

| <b>Development Application</b>                               | <b>Application Fee</b>     |
|--|----------------------------|
| Conventional OSSF Permit                                     | \$310.00                   |
| Aerobic OSSF Permit  | \$310.00                   |
| Subdivision Fees:  |                            |
| 1-5 lots in subdivision                                      | \$350.00 + \$10.00 per lot |
| 6-10 lots in subdivision                                     | \$450.00 + \$10.00 per lot |
| 11 + lots in subdivision                                     | \$650.00 + \$10.00 per lot |
| Cancellation of Subdivision                                  | \$200.00                   |
| Variance Request   | \$150.00 per Variance      |
| Infrastructure Development Plan<br>(Rural Development Rules) | \$300.00                   |



(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 Erath, 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 Erath County Subdivision and Development Regulations, under the authority granted by the laws of the State of Texas, to file a bond with the Erath 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(l) 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 Erath County Road Operations Department, 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)

**MAINTENANCE 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 Erath, State of Texas, through its County Judge, or her successor in office, (hereinafter called "Obligee"), in the full and just sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_), lawful money of the United States, to the payment of which sum, will and truly to be made, the Obligor and Surety bind themselves, their and each of their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Obligor has constructed the roads and drainage improvements in a certain subdivision located in Erath County, Texas and outside the limits of an incorporated city or town, said subdivision to be known as \_\_\_\_\_, and

WHEREAS, the Erath County Subdivision and Development Regulations requires that the Obligor shall furnish a bond conditioned to guarantee for a period of two (2) years after acceptance of the required improvements, by the Obligee, against all defects in workmanship and materials which may become apparent during said period. Said period to be from \_\_\_\_\_ to \_\_\_\_\_.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that, if the Obligor shall indemnify the Obligee for all loss the Obligee may sustain by reason of any defective materials or workmanship which become apparent during the two (2) year period, then this obligation shall be void, otherwise to remain in full force and effect. If any defective materials or workmanship is not corrected by the end of the aforesaid period by the Obligor, then the Obligee may complete required work and be reimbursed by the Obligor or Surety.

SIGNED and SEALED this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, in the presence of \_\_\_\_\_ (Witness)

By: \_\_\_\_\_ (Obligor)

By: \_\_\_\_\_ (Surety)

## ERATH COUNTY SUBDIVISION CHECKLIST

The following items must be provided to the County Judge's Office 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 from City of Stephenville (if development is within the ETJ)
- Completed and Signed Plat Application Form.
- Application Fee Receipt from County Clerk.
- Copy of Deed – current owner
- Engineering drainage plan.
- Consultation verification from licensed sanitarian.
- Verification letter from Middle Trinity Ground Water District.
- Verification letter from utility providers.
- Verification letter with 911 addressing.
- Verification Letter from Post Office.
- Texas Department of Transportation approval. (Lots with State/U.S. highway access.)
- Drainage Engineer Certification.

### **INFORMATION ON PLAT - SURVEYOR PROVIDES THIS ON THE MYLAR**

- One Mylar and 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**

- One Mylar and 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 Erath County Tax Assessor/Collector.
- Certificate of Compliance from Commissioner
- Drainage Engineer Certification
- Performance Bond or Construction Letter of Credit.

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## Section II - Rural Development Rules of Erath County

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## SECTION II - RURAL DEVELOPMENT RULES OF ERATH COUNTY, TEXAS

(Revised and Adopted: July 27, 2020)

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### SECTION II, ARTICLE I: AUTHORITY, PURPOSE & SCOPE

*The Erath County Commissioners Court, for purposes of clarity and brevity, hereby adopts the title of “Rural Development Rules” to replace the previous title of this document: “Order . . . for Manufactured Home Rental Communities.” The Court intends by the term “Rural Development” to include not only Manufactured Home Rental Community, as that term is defined below. Note: The Erath County Commissioners Court hereby retains the power and right to further define the term “Rural Development” and to decide, on a case-by-case basis, whether or not these Rules apply to any particular development within the Commissioners Court’s jurisdiction.)*

The Erath County Commissioners Court further finds that minimum infrastructure standards for Rural Development, including Manufactured Home Rental Communities, are necessary:

- To promote public health and safety;
- To provide adequate emergency access;
- To provide for orderly growth within the County; and
- To ensure that the ultimate tenants or residents of any Rural Development have adequate access, proper utilities and other health and safety assurances.

### SECTION II, ART. II: DEFINITIONS

“Manufactured Home” means any manufactured home or mobile home manufactured to the code or specifications of the federal Department of Housing and Urban Development, and/or any residence as defined by the Texas Manufactured Housing Standards Act, used collectively, the term “Manufactured Home” refers to both manufactured homes and mobile homes.

“Manufactured Home Rental Community” shall mean: A plot or tract of land that is separated into two or more spaces or lots that are rented, leased, or offered for rent or lease, for a term of less than sixty (60) months without a purchase option, for the installation of manufactured homes for use and occupancy as residences, and as defined in §232.007, Local Government Code, VTCA.

“Manufactured Home Subdivision” means a Manufactured Home Community in which two or more of the spaces or lots are to be sold or offered for sale. Unless exempted by some provision of state law, Manufactured Home Subdivisions are “subdivisions” within the meaning of the Erath County Subdivision Rules and Regulations.

“Owner” shall mean the Owner of a proposed Manufactured Home Rental Community or the Owner’s designated representative.

“Sale” shall be construed to include any and all transactions in which legal, beneficial, or equitable ownership of the space or lot is transferred to another. It is immaterial whether such transfer occurs by deed, contract of sale, option contract, lease-purchase, long term ground lease, or any other method. Without limitation to the foregoing, “sale” includes both (1) any rental or lease agreement for a term of 60 months or more and (2) any rental or lease agreement with a purchase option.

### SECTION II, ART. III: PROCEDURES FOR RURAL DEVELOPMENT

For the purposes of these Rules, “owner” shall mean the owner of a proposed area of Rural Development, including a Manufactured Home Rental Community, or said owner’s designated representative. On or after the effective date of these Rules, all owners of proposed Rural Development, *except those set out in **Part III of these Rules***, shall submit a Rural Infrastructure Development Plan to the Erath 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 Rural Development.

Pre-Application Meeting - The developer will consult informally with the Commissioners Court prior to preparing a rural Infrastructure Development Plan and before formal application for its approval in order to save time and money. The Rural Development packet will be handed to the developer and the process and requirements will be reviewed.

Formal Presentation of Plan – A Rural Infrastructure Development Plan shall be submitted by filing an application together with a copy of the proposed Rural Infrastructure Development Plan with the Erath County Clerk.

## PRELIMINARY PLAN FOR RURAL DEVELOPMENT

### Requirements of the Preliminary Plan for Rural Development

Each application for a preliminary plan or final plan shall be submitted to the Erath County Clerk at least thirty (30) days, and no more than sixty (60) days, prior to the desired Commissioners Court meeting, and said application shall be accompanied by the following information and materials:

- (a) Three (3) copies or prints of the proposed rural development 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 plans 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 rural development and shall identify the rural development 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 or rural developments shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for Rural Development in sufficient detail to show accurately the existing roads and other features that may influence the layout of development of proposed rural development. Adjacent unplanted land shall be so designated.
- (d) The location, widths and length of all roads and ways existing or proposed within the Rural Development limits. In case of easements, a written statement as to the easement use shall be included on the plan.
- (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 rural development.
- (f) Proposed arrangement of buildings and measurements between them.
- (g) The title under which the proposed Rural Development 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, including location and size of all water courses, ravines, bridges, culverts, existing structures, and other features pertinent to the Rural Development. The outline of wooded areas or the location of important individual trees may be required.
- (l) If the Rural Development 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 Rural Infrastructure Development Plan shall also include a written narrative which provides explanation as to how the owner proposes to satisfy the various requirements of the Rural Infrastructure Development Plan and these Rules.
- (n) Consultation verification by licensed sanitarian.
- (o) Rural Development should have a drainage plan. An engineering drainage plan shall be submitted with the plan 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.
- (p) Consultation verification with Middle Trinity Groundwater Conservation District.
- (q) Lots with access to State or U.S. highways must have the approval of Texas Department of Transportation
- (r) Consultation with utility provider.
- (s) Consultation with utility provider
- (t) Consultation with 911 addressing

Further, in order for said Rural Infrastructure Development Plan to be considered for acceptance and filing by the Erath County Clerk, said plan must contain thereon the following statement verbatim:

*“Note: This plan is for the location of rental spaces only. It is not intended to be used to convey real property to any party or, particularly, to convey title to the streets and any other improvements to Erath County, Texas. The owner of the present property hereby acknowledges that this plan does not meet Erath County’s requirements for a Subdivision per se but does meet Erath County’s requirements for and comply with Erath County’s Rural Development Rules.”*

Designated County Official – Erath County designates the Erath County Commissioners Court as that entity responsible for approval or rejection of the Rural Infrastructure Development Plan. During review of the Plan, the Erath County Commissioners Court shall, if deemed necessary by the Court, consult with the County Attorney and the County Sanitation Director.

Time Limits for Approval – Not later than the 60<sup>th</sup> day after the date the owner of a proposed Rural Development submits a Rural Infrastructure Development Plan, the Plan shall be approved or rejected by the Erath County Commissioners Court. The Erath County Commissioners Court shall notify the applicant of its determination in writing. If the plan is rejected, the Erath County Commissioners Court shall specify the reasons for the rejection in his written determination.



Approval – Failure to reject a Rural Infrastructure Development Plan by the Erath County Commissioners Court within the 60 (sixty) days constitutes approval of the plan.

Expiration

1. Approval of a preliminary plan shall expire and be of no further force and effect within twelve (12) months following the date the Commissioners' Court approves the preliminary plan, unless a final plan is approved for all or part of the preliminary plan within that time period.
2. In the case of a multi-phase rural development, where phases are depicted on the approved preliminary plan, approval of a final plan for a phase shall extend the expiration date for the remaining portion of the original preliminary plan for a period of not more than six (6) months after the date of approval of the final plan. Approval of a subsequent final plan within such period shall extend the expiration date for the portion of the original preliminary plan for which no final plans have been approved for an additional six (6) months from the date of approval of such plan.
3. Each extension period for the expiration of the original preliminary plan runs from the date of the latest final plan approval; extension periods are not cumulative. If a final plan is not approved during the extension period, the original preliminary plan, together with any unapproved final plan applications or expired final plans, expires.
4. The filing of a revised preliminary plan after approval of the original preliminary plan but prior to final plan approval shall cause the prior preliminary plan to expire immediately. If a phase of the development already has received final plan approval, the Developer shall submit a revised preliminary plan for all phases of the rural development that have not received final plan approval. In either case, all regulations in effect on the date of filing of the revised preliminary plan shall be applied to the new plan application.

Construction Prohibited without Approved Plan – Construction of any proposed Rural Development may not begin before the Erath County Commissioners Court approves the proposed Rural Infrastructure Development Plan.

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.

1) Performance Bond

- (a) The owner or owners of any tract of land to be developed shall give a good and sufficient bond for the proper construction of the roads and drainage facilities in all rural developments. 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 "Erath 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 when the final rural development plan is presented to the court for approval. 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. No rural development plan or plan will be approved by the Commissioners Court without being accompanied by a performance bond or letter of credit meeting the requirements of this section.

- (e) The performance bond or letter of credit shall go into effect on the day the final rural development plan receives county approval. Bond must remain in full force and effect until after all roads and all associated drainage improvements in the rural development have been completed and have been accepted 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 all of these roads and drainage facilities in said rural development 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, three 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.

See Appendix C: Performance Bond.

## FINAL AND RECORDED PLAN FOR RURAL DEVELOPMENT

### Application for Final and Recorded Plan

An application for approval of a final and recorded plan shall include the following:

- (a) Engineer Certification - All of the drainage plans and specifications of the drainage improvements contained in the Developer's 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.
- (b) Final Inspection – A final inspection of any proposed rural development infrastructure upon its completion is required. Final inspection shall be made by two (2) Commissioners, i.e., the Commissioner in whose precinct the development 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 Erath County Commissioners Court receives written confirmation of completion from owner.
- (c) Certificate of Compliance by Commissioners Court – If the Erath County Commissioners Court determines that the Preliminary Plan 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.
- (d) Corrective Action if Construction Not Approved – If the Erath County Commissioners Court determines that the development 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. On completion of the corrective work, the owner shall again follow the procedures set out in Section I, of this Order, before the owner is eligible to receive a Certificate of Compliance.
- (e) The owner or owners of any tract of land to be developed shall give a good and sufficient bond for the proper construction of the roads and drainage facilities in all developments
- (f) Standards for Approval.

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

- (a) The plan is consistent with the approved preliminary plan;
- (b) The plan conforms to each of the requirements contained in these Regulations
- (g) After being considered at a meeting of the Commissioners Court, with a quorum being present, the final plan shall be acted upon by the Court. If the final plan is approved by order of the Court, then the County Judge shall sign the plan and shall so state the date of approval. The following certification shall be provided on the final plan:

*"I hereby certify that this plan was approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the Erath County Commissioners Court, and maybe filed for record in the Plan Records of Erath County by the County Clerk.*

\_\_\_\_\_  
County Judge"

## SECTION II, ART. IV: PROCEDURES FOR RURAL DEVELOPMENT MINIMUM STANDARDS FOR PLANS: ROADS/STREETS, WATER DRAINAGE, SEWAGE DISPOSAL SYSTEMS, AND UTILITIES; PARTICULAR RULES FOR RV PARKS

Erath County hereby adopts the following minimum standards for Rural Development Infrastructure and for any Rural Infrastructure Development Plan.

### ROADS

Also see "Road Construction Standards" on Page 15.

#### Required Streets and Roadway

A. All streets within a manufactured home rental community shall be classified as private streets to be maintained by an approved maintenance entity, unless the Commissioners' Court determines that the public health, safety or general welfare requires dedication of the street to the public.

B. A proposed infrastructure development plan shall satisfy the requirements of these Regulations relating to the provision of rights-of-way for, design of, and construction of roadways, and shall contain a written certification from a registered professional civil engineer or surveyor that the locations and dimensions of roadways, as set forth and laid out in the development plan, are in accordance with these Regulations.

#### Roadway Layout

A. Internal streets shall be so laid out that their use by through traffic will be discouraged, but access may be provided to adjacent development.

B. The manufactured home rental community shall provide at least one point of access to an arterial or collector street and shall provide no less than one (1) entrance for each seventy-five (75) lots, including stubs for future development or connection to an existing major collector or arterial.

C. The Commissioners' Court may require gates and/or warning devices at all road crossings where a storm event is anticipated to flow over the road surface

#### Design Criteria and Construction Standards for Streets

A. Proposed streets must conform to existing topography, as nearly as possible, in order that drainage problems may be reduced and/or avoided. Streets should, whenever possible, follow valleys or depressions so as to form a collection system for surface water.

B. The classification and construction standards for all public or private streets shall be determined according to the average daily traffic anticipated for the streets. The standards for paved streets are summarized on Table attached hereto. All streets shall be constructed in accordance with the Standards of Erath County attached hereto and the "Standard Specifications for Public Works Construction," published by the NCTCOG, as may be amended.

C. Street (Block) Length. The maximum length of any block or street segment shall be one thousand eight hundred feet (1,800'), as measured along the street centerline from the point(s) of intersection with other through (i.e., not dead-end or cul-de-sac) streets.

D. Cul-De-Sacs. A street ending in a cul-de-sac shall not be longer than six hundred feet (600'), as measured from the centerline of the intersecting street to the center point of the bulb, and shall have a properly designed turnaround at the closed end. If a central water system exists, with properly placed fire hydrants, then the turnaround shall have a minimum outside roadway (i.e., pavement) diameter of at least eighty (80'), and a minimum bulb right-of-way diameter of at least one hundred feet (100). If no central water system exists, then the turnaround shall have a minimum outside roadway (i.e., pavement) diameter of at least one hundred feet (100'), and a minimum bulb right-of-way diameter of at least one hundred and twenty feet (120'). Dead end streets are prohibited.

### Street Names and Signs

#### 1. Street Names and Numbers

New streets and roads in Manufactured Home Rental Communities 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 Erath County. All street names shall be approved by Erath 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/Names Required

The Developer shall install street or road name signs at all intersections in the Manufactured Home Rental Community. The proper installation of these signs is a part of the required construction standards of Erath County. Final approval of the construction will not be given by the Erath Commissioners Court until all signs are installed.

### Mailboxes

1. Mailboxes shall be set at least one foot (1'), but no more than three feet (3'), back from the curb, paving edge, or shoulder area of the permitted street upon which the property is addressed.

2. All mailboxes within County rights-of-way shall meet current TxDOT standards if the speed limit on the County road is more than 40 miles per hour. Mailboxes in a development with speed limits at or below 40 miles per hour must meet U.S. Post Office requirements, and must be placed in a manner that does not interfere with the efficient movement of traffic or with visibility from driveways, side streets, and other access points.

3. All mailboxes along arterials shall be of a "break-away" type design (this type of design is also encouraged along collector and local streets). Clustering of mailboxes is greatly encouraged.

## SECTION II, ART. V: 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 development by the Commissioners Court in its order granting or denying preliminary authorization of a development plan.

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 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 development plan.

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 development plan, 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 plan 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.

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.

## SECTION II, ART. VI: SEWAGE DISPOSAL SYSTEMS

A licensed sanitarian must review and approve the plan to assure that all County sanitation rules and regulations can be met.

Soil Analysis - If a State-approved disposal sewage system is not provided, the subdivider will have soil tests made in accordance with applicable Erath County and State regulations then in effect for installation of private sewage facilities so that a minimum of ten percent (10%) of the proposed tracts or lots have been approved by a licensed sanitarian.

Lot Adequate Sizes to Meet Sanitation Requirements - All development 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 developer or owner shall ascertain and certify that an acceptable septic tank with a proper drain field can be installed on each tract planted or offered for sale, unless public sanitary sewer collection facilities are made available to the site. A licensed sanitarian may be contacted for the specifications. All developments 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 development 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 Erath 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. [Note: 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 development.

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

## SECTION II, ART. VII: UTILITIES

Easements - The Owner of the Manufactured Home Rental Community shall coordinate with utility service provider to determine the locations and widths of required easements. Evidence of such coordination will be required as a condition of approval of the Rural Development Infrastructure Plan and the issuance of a Certificate of Compliance. A Rural Development Infrastructure Plan shall not be approved until the Owner has obtained a satisfactory agreement with utility service providers regarding the utility easements. At a minimum, utility service companies, which must be consulted, include electric service, telephone service and any water or wastewater district or other water utility, which has jurisdiction.

Utility Lines in Rear of Homes - Utility lines which are to be above ground are preferred to be in the rear of homes or other buildings. Underground lines shall be prominently marked along the length of the lines.

County Not Liable - Erath County will not assume any liability for damage to utility lines suffered while maintaining roads.

## SECTION II, ART. VIII: RV PARKS

Rules and Regulations Particular to RV Parks – Additionally, Erath County hereby adopts the following Rules and Regulations applicable specifically and only to Recreational Vehicle (RV) Parks, said Rules and Regulations being promulgated in furtherance of the public's safety:

1. Ingress and Egress: Each RV Park shall have a separate entrance- and exit-roadway, each of which shall not be less than 28 (twenty-eight) feet wide from flow line to flow line. No overhead obstructions shall be allowed at such entrances and exits. Minimum obstruction height on the RV Park's interior roads shall be 15 (fifteen) feet. No entrance or exit from any

- RV Park shall be permitted through or allow movement through a residential district or subdivision.
2. **Address Signage:** RV Parks shall have designated 911-addressing posted in minimum six (6) contrasting lettering visible from the roadway. Each individual RV Park spaces shall have a designated signage posted in contrasting letters with a minimum size of four (4) inches at each space clearly visible from the adjoining road.
  3. **Minimum spacing:** The minimum distance between each parked recreational vehicle shall be twenty (20) feet. Foldouts and slide length shall be included in determining spacing.
  4. **Parking:** Off-road parking allotment shall be included in the site plan. No parking of vehicles shall be allowed in park-access roadways.
  5. **Setback:** A minimum of ten (10) feet of setback shall be allowed between RV parking and any outbuilding or adjacent property.
  6. **Fire Prevention and Protection:** No outdoor fires shall be allowed except in grills, ovens, stoves or park-provided fire boxes designed for the specific use of food preparation. LP gas, fuel oil, gasoline and other flammable liquids shall not be stored inside or beneath any vehicle. LP tanks shall be limited to 100-pound size or less. Storage buildings, lean-to's, or outside storage shall not be allowed at individual RV sites.
  7. **Flammable Material:** Trees, brush, grass, trash bins and landscaping shall be kept neat, clean and in accordance with accepted NFPA fire-safety guidelines.
  8. **Fire Extinguishers:** Twenty-pound class ABC fire extinguisher must be mounted, tagged, and located at or inside an office-area that is accessible by the public. Extinguisher shall be subject to annual inspection by a Texas State Fire Marshal licensed service company.

## SECTION II, ART. IX: VARIANCES AND EXCEPTIONS

- A. **General** – The Commissioners Court of Erath County recognizes that there are vast differences in terrain and population density in Erath County. In instances when the Commissioners Court finds that extraordinary hardships or extreme practical difficulties will result from strict compliance with these Rural 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.

## SECTION II, ART. X: ENFORCEMENT; PENALTIES; 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 Erath 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.

## SECTION II, ART. XI: APPLICABILITY

- E. Effective Date – These Rules are effective upon the date of final approval by Commissioners Court.
- F. Date Construction Commenced – These Rules apply to any Rural Development 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.
- G. Expansion of Existing Areas of Rural Development – These Rules are applicable to any expansion of any existing Rural Development 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.
- H. Applicable Outside City Limits – These Rules are applicable in Erath County outside the city limits of any incorporated city.



SECTION II, ART. XII: INTERPRETATION – CONFLICT, SEVERABILITY,  
SAVINGS AND AMENDMENTS

- G. 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.
- H. 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.
- I. 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.
- J. 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.
- K. Saving Provision – These Rules shall not be construed as abating any action now pending under or by virtue of, prior existing development 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.
- L. 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 Erath County Commissioners Court, in regular session, on this the 27th day of July, 2020.

\_\_\_\_\_  
Alfonso Campos, Erath County Judge

\_\_\_\_\_  
Dee Stephens, Commissioner PCT 1

\_\_\_\_\_  
Albert Ray, Commissioner PCT 2

\_\_\_\_\_  
Joe Brown, Commissioner PCT 3

\_\_\_\_\_  
Jim Buck, Commissioner PCT 4

Attest: \_\_\_\_\_  
Gwinda Jones, Erath County Clerk

(Appendix C)  
RURAL DEVELOPMENT APPLICATION FORM

Item(s) Submitted:  
Preliminary Plan \_\_\_\_\_  
Final Plan \_\_\_\_\_  
Replat/Plan Revision \_\_\_\_\_

FOR ERATH COUNTY COMMISSIONERS MEETING ON: \_\_\_\_\_ (Date)

Rural Development name: \_\_\_\_\_

Applicant's Name or Owner's Name: \_\_\_\_\_

Company Name (if applicable): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone No.: \_\_\_\_\_ Fax: \_\_\_\_\_

Physical location of property: \_\_\_\_\_

Current legal description of Property:

\_\_\_\_\_  
(Abstract/Survey Number or previously platted name.)

Acreage (to the nearest tenth of an acre) \_\_\_\_\_ Number of Rental Spaces \_\_\_\_\_

ACKNOWLEDGMENT BY APPLICANT:

"Applicant herein agrees and acknowledges by evidence of signature below that the submission of this Application with plans, plats or drawings makes such items public record and that the Applicant understands that the general public may view the above-listed items.

"Further, Applicant agrees and acknowledges that the plan and/or plat submitted herewith is for the location of rental spaces only. It is not intended to be used to convey real property to any party or, particularly, to convey title to the streets and any other improvements to Erath County, Texas. The owner of the property described herein acknowledges that this plan and/or plat does not meet Erath County's requirements for a Subdivision *per se* but does meet Erath County's requirements for and comply with Erath County's Rural Development Rules."

\_\_\_\_\_  
(Applicant's Signature)

\_\_\_\_\_, Applicant  
(Applicant's Printed Name)

Date: \_\_\_\_\_

(Appendix E)  
RURAL DEVELOPMENT PRELIMINARY PLAN CHECKLIST

- Three copies of the preliminary plan.
  - o All copies shall have "Preliminary Plan" placed on the face. The title under which proposed subdivision is to be recorded.
  - o Name and address of the owner with the name of the Land Planner, Licensed Land Surveyor or Registered Professional Engineer platting the tract.
  - o Each page shall be marked/stamped with the name of the registered public surveyor or licensed land surveyor.
- Distance and direction to the nearest State or U.S. Highway.
- Location and widths of all roads.
- Scale, North arrow, date and pertinent data.
- Engineering drainage plan.
- Consultation verification from licensed sanitarian.
- Consultation verification from Middle Trinity Ground Water District.
- Consultation verification with utility providers.
- Consultation verification with 911 addressing
- Texas Department of Transportation approval. (Lots with State/U.S. highway access.)
- Filing fee

FINAL PLAN CHECKLIST

- Drainage Engineer Certification
- Certificate of Compliance from Commissioners
- Performance Bond