

Potter County

Subdivision Regulations

Revised 12-2023

Submit inquiries to:

Potter County Road & Bridge Department
806-383-2273

IN THE
POTTER COUNTY COMMISSIONERS COURT
POTTER COUNTY, TEXAS
12-11-2023

ORDER ADOPTING REVISED SUBDIVISION REGULATIONS

On this the 11th day of December, 2023 the Potter County Commissioners Court, meeting in open session, did by unanimous vote of a quorum of its members present, approve and adopt the attached Subdivision Regulations of Potter County, Texas, originally adopted on April 25, 1994.

Adopted this 11th day of December, 2023.

The Honorable Nancy Tanner
Potter County Judge

Attest:

Julie Smith
Potter County Clerk

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A. PURPOSE

These regulations are adopted to promote an orderly and desirable development of the rural areas of Potter County, Texas through the subdivision development process, by setting standards for various aspects of development including construction of roads and drainage systems, placement of septic and other waste disposal systems and containers, provision of easements for utilities and other amenities, centralized mail delivery systems, and procedures for approval and recording of subdivision plats.

These regulations are in addition to the requirements imposed by Chapter 232 of the Texas Local Government Code, and are subject to the exceptions found at § 232.0015 of the Code. All references to codes are references to codes of the State of Texas.

B. WHEN PLATS ARE REQUIRED

1. Pursuant to Local Government Code Chapter 232.001, and subject to the exceptions found at § 232.0015 of the Code, an owner of land located in Potter County and outside the city limits of any incorporated city in Potter County, who proposes to subdivide one tract into two or more parts to lay out: (a) a subdivision or addition, (b) individual lots, or (c) areas or amenities dedicated to the use of the public such as roads, alleyways, drainage systems, septic and other waste disposal systems, parks, easements, centralized mail delivery points, etc., must prepare a plat of the proposed subdivision that is compliant with these regulations, and submit the plat for approval as provided in section D below. No portion of subdivided land may be conveyed until a plat of same has been approved by the Potter County Commissioners Court and recorded in the public records of Potter County.

C. PLAT REQUIREMENTS and APPROVAL PROCEDURES

1. A party seeking approval of a plat should first submit the plat to the Potter County Road and Bridge Superintendent (the Superintendent) for review and comment. Upon approval by the Superintendent, the party should contact the Potter County Attorney's office to arrange to have the matter of approval placed on an agenda for a regular public meeting of the Potter County Commissioner's Court.

2. Approval of a plat by the Potter County Commissioners Court shall not be deemed an acceptance by Potter County of any duty to maintain or repair any improvements dedicated to the public as shown on the plat. No such duty shall arise unless and until the Potter County Commissioners Court, by separate order, accepts such improvements for maintenance.

3. As a condition for approval of a subdivision plat, the Potter County Commissioners Court, pursuant to sections 232.004 and 232.0045 of the Texas Local Government Code, may require a surety bond, cash deposit, or other financial security not to exceed the estimated cost of construction of roads and drainage systems within the subdivision, conditioned upon construction of such roads and drainage systems in conformance with the specifications established herein within a reasonable time set by order of the court.

4. A plat must describe a proposed subdivision by metes and bounds and must locate the subdivision with reference to an original corner of the survey of which it is a part.

5. Plats must be prepared by a registered professional land surveyor or licensed state land surveyor;

6. Plats must be submitted in the following format with the information, specifications, and other requirements indicated below:

(a) Be eighteen inches by twenty-four inches, or twenty-four inches by thirty-six inches; provided, however, that all pages shall be the same size if the plat requires more than one page;

(b) Have each page numbered in the bottom right hand corner to indicate the total pages of the plat, for example: page 1 of 1, 1 of 2, etc., and margins of one-half inch;

(c) Be clearly and legibly drawn in permanent and reproducible black ink upon tracing medium, to a scale of not less than two hundred feet to one inch;

(d) Include one identical photographic Mylar reproduction of the Original Final Plat, to shall serve as a duplicate original, which shall be produced on Kodak A4 Auto-positive film or equivalent, and shall be clear and legible with no colored background and in permanent and reproducible black ink only, with original signatures affixed in permanent and reproducible black ink.

(e) Include one recordable copy which shall be eight and one-half inches by fourteen inches, original signatures which shall be affixed in permanent and reproducible black ink.

(f) Include a statement and date of approval by Commissioners Court to be completed and signed by the County Judge

(g) Include the following statement in conspicuous print:

“Acceptance of a subdivision plat for filing does not constitute acceptance by the Potter County Commissioners Court of the streets or roads shown in the subdivision plat for maintenance by the County.”

(h) State the dimensions of the subdivision and of each street, alley, square, park or other part of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park or other part;

(i) State the number of feet of roads in the subdivision;

(j) Contain the Owner’s dedication and restrictions, if any, duly acknowledged in the manner required for the acknowledgement of deeds;

(k) Contain a provision that all dwellings, trailers or mobile homes placed on subdivision lots or ranchettes must be connected to septic or disposal facilities meeting the specifications and conditions of state law;

(l) Contain the approval of the nearest incorporated city if the subdivision is within the extraterritorial jurisdiction of the city, which approval shall be obtained prior to the final approval of the Commissioners Court;

(m) Have original signatures which shall be affixed in permanent and reproducible black ink;

(n) Be acknowledged by the Owner of the tract, or the Owner’s agent, in the manner required for the acknowledgement of deeds.

(o) State the proposed name of the subdivision, which must not conflict with the name of any other existing subdivision in Potter County.

(p) If any portions of a proposed subdivision lie within the extraterritorial jurisdiction of a city, the subdivision plat must clearly identify those portions and the associated boundary lines of the areas of extraterritorial jurisdiction. Before the plat is submitted to the Potter County Commissioner’s Court for approval. Such a plat must first be approved by the governing body of the city as to portions of the proposed subdivision that lie within the city’s extraterritorial jurisdiction.

(q) The location and dimensions of proposed roads, residential and commercial lots, alleyways, existing and proposed easements, drainage systems, building lines, parks, school sites, fire department of law enforcement facilities, centralized mail delivery facilities, and any other features to be incorporated into the proposed subdivision. A plat must also illustrate ingress and egress points for

vehicle traffic flowing into and out of the proposed subdivision, and must designate building setback lines for lots.

(r) Locations and specifications for fire hydrants and all other features related to fire and rescue operations must be provided to the Potter County Fire & Rescue Department for approval.

7. Supporting documentation must include:

(a) A comprehensive water drainage plan, prepared by a qualified expert, must accompany a plat for a proposed subdivision. The plan must: (1) address and provide for water drainage within the proposed subdivision so as to prevent flooding of lots, roads, or structures during and following reasonably foreseeable precipitation events, (2) include an analysis of the subdivision's impact, if any, on water intrusion onto property outside the subdivision, and a plan for mitigation of such impacts, (3) identify any areas of the subdivision that lie within a 100-year flood plain, and (4) identify any lots or other areas within the proposed subdivision that are subject to an elevated risk for flooding notwithstanding implementation of the water drainage plan, and provide recommendations, specific to those areas and anticipated construction within those areas, for mitigation of such risks, including but not limited to recommended minimum foundation elevations for structures within those areas.

(c) Pursuant to Texas Administrative Code, Title 30, Part 1, Chapter 230, a plan for provision of potable water to and throughout the proposed subdivision must be provided and must include written certification and supporting data, on forms promulgated by the Texas Natural Resource Conservation Commission, that adequate groundwater is available for all anticipated needs and uses within the proposed subdivision.

(d) A plan for sanitary sewage treatment throughout the proposed subdivision, and all associated soil testing etc., must be provided to and approved by the Amarillo Bi-City-County Health District and the Texas Commission on Environmental Quality.

(e) A list of utility services to be provided to the proposed subdivision must be provided, with written confirmation from each provider of those services that agreements in principle for same have been signed by all necessary parties.

(f) Current tax certificates showing that all property taxes on all property included in the proposed subdivision are paid current shall be provided and filed with the plat.

(g) Written certification from the owner, acknowledged before a notary public, that all proposed dedications to the public as shown on the plat shall be free and clear of any and all encumbrances at the time of approval of the plat by Commissioners Court.

(h) A recordable copy of restrictive covenants to be imposed on properties within the subdivision.

(i) Plat submissions must include road and drainage engineering plans showing layout, profiles, configuration, and dimensions of all road and road drainage features scaled at a ratio no greater than 1" = 50',

(j) Plats must show the location of all existing and proposed above-ground, underground, and ground-level utility and drainage easements including but not limited to those for gas, water, electricity, telephone, cable, fiber-optic, storm water, and sewer installations.

(k) Plats must include the plat surveyor's signature under seal.

D. ROAD APPROVAL and ACCEPTANCE FOR COUNTY MAINTENANCE

Pursuant to the authority granted to the Potter County Commissioners Court by section 251.003 (a)(1) of the Texas Transportation Code, and statutes referenced below:

1. As a condition for approval of a proposed subdivision plat, the Potter County Commissioners Court, pursuant to sections 232.004 and 232.0045 of the Texas Local Government Code, may require a surety bond, cash deposit, or other financial security not to exceed the estimated cost of construction of roads and drainage systems within the subdivision, conditioned upon construction of such roads and drainage systems in conformance with the specifications established herein, within a reasonable time set by order of the court.

2. Pursuant to the authority granted to the Potter County Commissioners Court by section 251.003 (a)(1) of the Texas Transportation Code, and other statutes referenced herein, approval of roads within a subdivision, and release of security referenced in paragraph 1 above, is subject to a determination, in the judgement of the Potter County Road Superintendent (the Superintendent) and the Potter County Commissioners Court (Commissioners Court), that the roads have been constructed to the specifications established herein.

3. *Approval* of roads by Commissioners Court shall not be deemed an *acceptance* by Potter County of any duty to maintain or repair any roads or other improvements dedicated to the public as shown on the plat. No such duty shall arise unless and until Commissioners Court, by separate order, accepts such improvements for maintenance.

4. Eligibility of roads for acceptance for permanent maintenance by Potter County is subject to the following terms and conditions:

(a) At owners' sole expense, owners shall maintain approved roads in a condition acceptable to the Superintendent and Commissioners Court in conformance with the specifications established herein for no less than two years following approval and prior to acceptance, and

(b) Continuing thereafter until such time as there are habitable residences located on 50 percent or more of the individual lots shown on the subdivision plat, provided however that Commissioners Court may suspend the 50 percent occupancy requirement if the subdivision owner has entered into a written seal coat agreement with Potter County, and for so long as such agreement remains in effect until such time as there is 50 percent occupancy.

E. ROAD LAYOUT AND CONSTRUCTION DESIGN

1. Layout.

(a) There shall, in the judgment of the Superintendent, be sufficient main thoroughfare roads within a subdivision to accommodate ingress, egress, and free and efficient movement of vehicle traffic into, out of, and through a subdivision.

(b) Maximum spacing between cross-streets shall be 2640 feet (one-half mile) to facilitate access for emergency vehicles throughout the subdivision. Streets within the subdivision shall be laid out so as to align with existing streets in adjoining or nearby subdivisions for the same purpose.

(c) Dead-end roads that terminate at a point other than an intersection with another street, or at a traffic circle that provides for access to an intersection with another street, must extend to and terminate in a cul-de-sac with a minimum radius of 50 feet of right-of-way and that allows for driveway access off of the cul-de-sac and onto the adjoining lots.

(d) All portions of structures situated on lots bordered by intersecting roads shall be set back at least 30 feet from the convergence of the curb lines or edges of the roads that border the lot, so as to provide for an unimpaired view between motorists approaching the intersection.

(e) Obstructions to these prescribed lines-of-sight (such as untrimmed trees and other landscaping features, fences, mail receptacles, vehicles, etc.) may be ordered removed by the Superintendent upon 30 days written notice to the owner of lots upon which same are situated, provided that an owner may request a hearing before the Potter County Commissioners Court within the 30 days' notice period by contacting the office of the Potter County Judge. Upon failure of an owner to comply with a Commissioners Court order to remove such obstructions, the Superintendent may proceed with removal of same and may present the expenses associated with removal to Commissioners Court for assessment against the owner. Notice of expenses assessed against an owner will be sent to the owner for payment within 60 days. Failure to pay such expenses within 60 days may result in the filing of a lawsuit for recovery of same and imposition of a judgment lien on the property.

2. Construction Specifications.

(a) Main thoroughfare roads will meet the following minimum standards:

Right-of-way width shall be a minimum of 60 feet;

Right-of-way crown shall be a minimum of 4 inches at center and tapered out 11 feet in each direction from center;

Minimum compacted base depth shall be 6 inches;

Maximum allowable grade at any point within thoroughfare roads shall be 9 percent.

Maximum allowable grade for cross-roads shall be 12.5 percent.

(b) Base material for all roads must meet the following minimum requirements and must be approved in writing by the Superintendent:

Maximum of 10 percent retained on a 4 inch screen, and
Between 60 and 85 percent retained on a 40 mesh sieve, and
Plasticity index not to exceed 12.

(c) Sub-grade must be excavated and shaped in conformity with typical sections as shown on road plans. All unstable or otherwise objectionable material shall be removed and replaced with approved material. All holes, ruts, and depressions shall be filled with approved material. The sub-grade shall be thoroughly wetted, shaped, and rolled to place the sub-grade in an acceptable condition to receive the next course. The sub-grade shall be finished to line and grade as shown on the plans, and any deviation in excess of one-half inch shall be corrected by loosening, adding, or removing material. The subgrade shall meet 95 percent of maximum density achieved in Standard Proctor Compaction testing. Water required to bring the material to the optimum moisture content, plus or minus 2 percent shall be evenly applied. The sub-grade and grade must be inspected and approved in writing by the Superintendent before application of base material. Proctor and Plasticity testing, and retention of test results, shall be the responsibility of the developer. Testing of sub-grade shall be one test for every 1,000 lineal feet, at least one test for roads less than 1,000 feet, and at least two tests for roads between 1,000-2,000 feet.

(d) Road base shall include a foundation course appropriate for an asphaltic concrete surface course or other surface course, and shall be composed of either caliche or other material approved in writing by the Superintendent, and shall be constructed as specified below in one or more courses in conformity with typical sections as shown on the road design plan, and to the lines and grades shown on the plan. The materials shall be crushed or uncrushed as necessary to meet the requirements as specified, and shall consist of a durable course of aggregate particles mixed with approved binding materials. Quality and acceptance testing of all materials shall be conducted prior to delivery of materials and approved in writing by the Superintendent. Grade 2 base material shall meet the following standards on standard Texas Department of Transportation testing methods:

Passing 1 3/4" sieve	100 %
Retained on No. 40 sieve	65 to 85 %

Material passing the No. 40 sieve shall be known as "Soil Binder" and shall meet the following requirements when prepared in accordance with TxDOT Test Method 101-E:

Liquid Limit shall not exceed 35
Plasticity Index shall not exceed 12
Wet Ball Mill shall not exceed 50 %
Linear Shrinkage shall not exceed 8.5 %

The material shall be in Class 2 or higher as determined in TxDOT Test Method 117-E, Triaxial Compression Tests for Base Materials.

Type FA material shall consist of processed fly ash. The material shall be approved by the engineer at the source. All acceptable material shall be screened, and oversized material shall be crushed and returned to the screened material again in such manner that a uniform product will be produced. Testing of the material shall be done prior to the compaction operations. The Owner shall furnish test results to the Superintendent that are no older than one year before the project commencement date.

Salvaged base material shall be first removed from its original location to an acceptable stockpile location if processing in place cannot be performed satisfactorily to the Superintendent. Depending on the particular bid items in each project, the sub-grade shall be exposed to allow for proper compaction and moisture content.

Base material shall not be laid upon frozen sub-grade. The condition of the sub-grade shall be approved by the Superintendent prior to placing of base material.

Flexible base material shall be laid and compacted in courses of equal depth of either four, five, or six inches. For example, a Base Material thickness of inches shall be considered as on six inch course.

Base material deposited upon the sub-grade shall be spread and shaped the within 24 hours after deposited. If inclement weather or other unforeseen circumstances render impractical the spreading of the base material during 24 hours, then it shall be scarified and spread at the earliest practicable opportunity. The base material shall be sprinkled, bladed, processed and shaped to conform to typical sections as shown on plans. All areas and nests of segregated coarse or fine material shall be corrected or removed and replaced with well-graded base material.

The base material shall be sprinkled and compacted in the manner and to the extent necessary to achieve not less than 100 % of Standard Proctor Density. The moisture content shall not vary more than two percent from optimum moisture content. In addition to the requirements specified for density, the full depth of flexible base shown on the plans shall be compacted to the extent necessary to remain firm and stable under construction equipment. After each section of flexible base is completed, such tests as may be necessary in the judgment of the Superintendent will be conducted by the Owner. If the material fails to meet the density requirements, it shall be reworked as necessary to meet such requirements. In no event will the density be less than one 100 % of the Standard Proctor Density. Throughout the entire operation, the shape of the course shall be maintained by blading and the surface upon completion shall be smooth and in conformity with the typical county road cross sections and to the established lines and grades. Testing of the base shall be one test per 1,000 feet or a minimum of two tests per road for roads less than 2000 feet in length.

(e) The minimum requirements for paving are outlined below with detailed specifications. Each newly paved road shall meet these requirements:

1. Grading and compacting subgrade.
2. Base course – 6” minimum compacted depth for minor streets.
3. Prime coat – 0.30 gallons per square yard of MC-30.
4. 2” hot mix surface course.

- (f) A copy of all testing logs and reports must be submitted to the Superintendent for approval prior to proceeding from each stage of construction to the next.

F. ROAD NAMES AND SIGNAGE

1. Prior to acceptance by the Commissioners Court for maintenance by the County, all streets and roads to be dedicated to the public within a subdivision shall be named, with prior approval for from the U.S. Postal Service, the Potter-Randall County Emergency Communication District, and, if the subdivision is within the extra-territorial jurisdiction of the City of Amarillo, the City of Amarillo.

2. At Owner's expense, road names shall be displayed on standard intersection markers erected by the owner at each intersection. All lots in areas receiving mail or courier delivery must be numbered. Traffic control signs, such as stop signs and yield signs, shall be installed by the County at the expense of the owner of the subdivision at all intersections where cross-roads intersect with thoroughfare streets.

G. PROTECTION OF RIGHTS-OF-WAY

1. Utilities. Utilities to be installed along county rights-of-way shall be placed in the back slopes of water drainage channels as close to property lines as possible, and buried a minimum of 36 inches. Utility companies must notify Potter County Road & Bridge prior to undertaking any work within the right-of-way. Electrical and gas lines within County right-of-way must be placed at a minimum of 5 feet below the surface. All other utilities within County right-of-way must be placed at a minimum of 36 inches from the surface. Before backfilling, utility companies must notify Potter County and permit its inspection to confirm adequate depth of utility lines.

2. Mail and Courier Installations. Pursuant to current United States Postal Service policy, all subdivision developments must have centralized mail delivery points, usually cluster mail boxes. These delivery points must meet USPS specifications. Specifications may be obtained from the Potter County Road and Bridge Department. All expenses associated with the purchase, installation, maintenance, and ingress and egress to and from mail and courier receptacles and delivery points are the sole responsibility of the subdivision owners / developers. All mail and courier receptacles and delivery points must be located no less than three feet from the nearest edge of the roadway nearest those receptacles and delivery points. Potter County may remove and reset non-compliant installations and assess expenses for same in the same manner as described in F (2) above. Individual mail or courier receptacles, if any, shall be located no less than three feet from the nearest edge of the roadway nearest the receptacle. Potter County may remove and reset non-compliant receptacles and assess expenses for same in the same manner as described in E(1)(e) of this policy.

4. Waste Containers and Other Obstructions. Subdivision plans must provide for areas for placement of waste containers and other moveable items in a manner that will not obstruct or impede maintenance or repair of county rights-of-way including roads, alleyways, drainage features, or other easements or features.

Required setback of private property. No person may permit waste containers, sprinkler system, landscaping items, or any moveable items, including signs without regard to its message, to be placed within the County's right-of-way. Expenses associated with removal may be assessed in the same manner as described in E(1)(e) above. Additionally, obstruction of county rights-of-way may result in enforcement of Section 42.03 of the Texas Penal Code. Any signs or other personal property placed in the County's right-of-way will be subject to removal without notice.

H. DRAINAGE

1. The owner / developer shall provide a drainage study and plan for the subdivision, prepared by a licensed and qualified engineer that will ensure adequate drainage for each right-of-way and each lot within the subdivision.

2. Drainage calculations and design standards shall be made consistent with the City of Amarillo's Storm Water Management Criteria Manual. The Potter County Commissioners Court expressly adopts and incorporates those provisions contained in the Storm Water Management Criteria Manual necessary and relevant to ensure adequate drainage for road development and maintenance.

3. The drainage plan shall provide for drainage culverts, to be shown on the subdivision plat, which in the judgment of the engineer and the Superintendent shall be appropriate in number, size, strength, and placement to allow for adequate water drainage off of and away from roads throughout the subdivision. Culverts shall meet the following minimum specifications:

- (a) No single culvert shall exceed 32 feet in length.
- (b) Plastic culverts are not acceptable. Corrugated tinhorn is recommended. Potter County will not be responsible for any concrete culverts.
- (c) A minimum cover of 6 inches over culverts is required. Cover material may be asphalt, caliche or other soil material approved by the engineer and the Superintendent.
- (d) Noncompliant culverts may be removed at the direction of the Superintendent, and replaced homeowner's or subdivision owner's expense.

4. Culvert installations are the responsibility of the subdivision owner / developer. Culvert installations undertaken by the Potter County Road and Bridge Department, if any, shall be at the owner's, developer's, or homeowner's expense, as appropriate, and will be billed at material cost plus reasonable labor charges to the appropriate party(s).

5. Culvert sizes for each lot must be submitted on the original plat upon submission to the County Judge. The culvert size must be pre-determined by the drainage study for each lot.

I. ON-SITE SEWAGE FACILITIES

1. When citizens build structures outside the city limits of a municipality, there are no service lines to carry sewage from those structures to municipal treatment plants. On-site sewage facilities (OSSF) such as septic systems are designed to provide a safe on-site method of disposal for sewage. In Potter County, OSSF's are permitted, inspected, and approved by the Amarillo Bi City-County Health District under rules promulgated by the Texas Commission on Environmental Quality. Minimum standards for OSSF's are found at Title 30, Chapter 285, of the Texas Administrative Code.

2. Owners of homes and other buildings outside the city limits may arrange for installation of their own septic systems by certified installers licensed by the Texas Commission on Environmental Quality under the supervision of the Environmental Health Department. All installations must comply with the referenced standards and must be approved by the Amarillo Bi City-County Health District.

J. MISCELLANEOUS PROVISIONS

1. Severability. If any of these regulations are held to be invalid, the invalid regulations shall be severed, and the remaining regulations shall continue to be valid.
2. Publication. Notice of these regulations shall be published in a newspaper of general circulation in the County.
3. Effective Date. Unless otherwise noted, these regulations shall be effective as of April 25, 1994, provided notice is published as required by § 232.003, Local Government Code. Signed copies of the Subdivision Regulations are available for inspection at the Potter County Clerk's Office.