

AUSTIN COUNTY SUBDIVISION REGULATIONS

Resolution and Order

On February 12, 2007, the Commissioners Court of Austin County, Texas, met at the County Courthouse with the following members present:

Carolyn Bilski, County Judge Presiding,
David Ottmer, Commissioner Precinct One,

Robert W. Rinn, Commissioner Precinct Two,
Randy Reichardt, Commissioner Precinct Three, and
David Hubenak, Commissioner Precinct Four,

when among other matters, came for consideration and action the following Resolution and Order:

Whereas, the Commissioners Court of Austin County, Texas, after proper notice, held a public hearing concerning a revision of the Austin County Subdivision Regulations; and

Whereas, after soliciting public comments, the Court finds that adoption of revised Regulations will be in the public interest;

Therefore be it Resolved, that Commissioners Court adopts the attached document as the revised Austin County Subdivision Regulations and **orders** that it be in effect on and after this day; and

Further Resolved, that County Judge Carolyn Bilski is authorized to sign this Resolution and Order as the act of Commissioners Court.

The Resolution and Order was moved by Commissioner David Ottmer, seconded by Commissioner David Hubenak, and adopted by the Commissioners Court on a vote of 4 members for and 0 opposed.

Carolyn Bilski, Austin County Judge

Order No. 07-80

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Austin County Subdivision Regulations

On February 12, 2007, acting pursuant to Chapter 232, Texas Local Government Code, Commissioners Court adopted the following regulations governing the subdivision of land. These regulations shall be known as the "Austin County Subdivision Regulations".

1. Purpose

- 1.1 These regulations have been prepared to aid in the orderly development of Austin County, Texas. Specifically they have been prepared for the following purposes:
- 1.2 To furnish the developer with guidance in the expedient preparation and approval of a plat.
- 1.3 To protect the citizens of Austin County by enacting minimum subdivision standards.
- 1.4 To provide standards for the location, design, and construction of streets, intersections, drainage improvements and other features that provide safety for the public.
- 1.5 To prevent the Austin County Street System from being burdened with substandard local streets.

2. Definition of Terms

- 2.1 Acceptable Outfall - that point as determined by the developer's Engineer and approved by the County where storm water can be released without causing erosion or resulting sedimentation to the receiving channel or its flood plain. Where necessary, the outlet shall include structural and vegetative measures to assure non-erosive conditions.
- 2.2 Arterial Streets - those streets that are principally regional in nature and are used for through traffic and shall be divided into two classifications:
 - 2.2.1 Streets, which will serve vehicular traffic beyond the limits of the subdivision; and/or connect one collector or arterial with one or more collectors or arterials.
 - 2.2.2 Streets, which are existing county streets either through dedication or prescription and carry a name or numerical designation.
- 2.3 Building Setback Line - a line of a plat generally parallel to the street right-of-way, indicating the limit beyond which buildings or structures may be erected and the area between the street right-of-way and the building setback line within which no structure may be permitted.
- 2.4 Collector Streets - those which connect arterial streets with local streets.
- 2.5 County Commissioner - the Austin County Commissioner(s) in whose precinct(s) the subdivision is located.
- 2.6 County Engineer - an Engineer, registered to practice engineering in the State of Texas, representing and/or contracted to represent Austin County.
- 2.7 Cul-de-sac - a short public street having but one (1) opening or access to another public street and terminated by a permanent vehicular turn-around.
- 2.8 Daughter Tract - any of the tracts created by division of a parent tract, including the remainder of the parent tract.
- 2.9 Developer - any owner or person representing the interests of the owner of the property to be subdivided.
- 2.10 Final Plat - a drawing of a proposed subdivision prepared in a manner suitable for recording in the

County records and in conformance with the conditions of preliminary approval of Commissioners Court and meeting the requirements of Section 3.4.

- 2.11 Flag Lot - for the purposes hereof, a key or flag shaped lot shall mean a lot having gross disparities in width between side lot lines, sometimes resembling a flag or flag pole, a key, or some other lot shape of comparable irregularity. Key or flag shaped lots shall not be prohibited if otherwise in compliance with the minimum lot size requirements of this and other applicable regulations of the County and, provided that no portion of any such lot is less than seventy feet (70') in width. See 3.3.2 (F).
- 2.12 Local Streets - those which principally provide direct access to lots within a subdivision.
- 2.13 Lot - any portion of land surface contained within property lines of a specific area, including land within easements and setback lines. The word "lot" includes the word "parcel" and "tract". Lots shall have a minimum of 50 feet in width at the right-of-way line and shall front a local street. Single-family residential lots shall not have direct access and shall not front on an urban arterial or an urban collector street.
- 2.14 Manufactured Home Rental Community - 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 60 months without a purchase option, for the installation of manufactured homes for use and occupancy as residences.
(See Appendix C and D)
- 2.15 Minimum Requirement - the minimum acceptable requirement.
- 2.16 Owner - the person or persons with equitable or legal title to the property to be subdivided.
- 2.17 Parent Tract - the original tract prior to any division.
- 2.18 Preliminary Plat - a drawing of a proposed subdivision meeting the requirements of Section 3.3.
- 2.19 Recreational Vehicle - a unit which contains facilities for either sleeping or temporary living quarters, or both, and which has its own motive power or is designed to be mounted on or towed by another motor vehicle. The term recreational vehicle shall include but not be limited to a motor home, truck camper, travel trailer and camping trailer; provided, however a recreational vehicle shall not include a boat, a mobile home or a

manufactured home.

- 2.20 Recreational Vehicle Park - a contiguous development of land which has been planned and improved for the placement of recreational vehicles approved by the County in accordance with applicable codes, laws, rules, and regulations.
- 2.21 Rural Street - any street situated so that the spacing of driveways is greater than 100 feet apart.
- 2.22 Street - a way for vehicular traffic and used to describe all vehicular ways regardless of any other designation, and includes public streets, private streets and easements. The terms "street" and "road" are interchangeable.
- 2.23 Subdivision - the division of a tract into two or more parts with any of the tracts being 10 acres or less in area. Section 232 of the Texas Local Government Code shall control the definition of a subdivision in these Regulations. Any amendment of the Local Government Code shall amend these Regulations, without further action by Commissioners Court.
- 2.24 Texas Department of Transportation (TxDOT) Standards - those current standard specifications set forth in the TxDOT Standard Specifications for Construction of Highways, Streets, and Bridges
- 2.25 Urban Street - any street situated so that the spacing of driveways is less than 100 feet apart for a distance of 1/4 of a mile. This distance does not apply to a subdivision using curb and gutter. Any curb and gutter street will be considered an urban street.

3. Platting Procedure

The platting procedure for subdivisions within Austin County shall be as follows:

3.1 Pre-application Procedure

Before any preliminary plans are prepared, the developer should obtain a copy of these regulations and become familiar with the various requirements to avoid expenditures of time and money, only to find that changes are required to make the plat and plans conform to the regulations.

3.2 Procedure for Manufactured Home Rental Communities

Developers shall not begin any construction on a proposed manufactured home rental community until they comply with Section 232.007 of the Texas Local Government Code and notify Commissioners Court in writing of the intention to develop the subdivision.

3.3 Preliminary Plat

3.3.1 Preliminary Plat Procedure

- A. Developers shall not begin any construction on a proposed subdivision, until obtaining preliminary plat approval by Commissioners Court.
- B. Prior to any subdivision of land, the Developer shall set a meeting with the Commissioner of the precinct in which the subdivision is proposed. Based upon the comments from the meeting, the Developer or his representative shall submit four (4) copies of the preliminary plat of the subdivision to the County Judge's office and one copy to the Environmental Protection Office fourteen (14) days prior to the Commissioners Court meeting at which preliminary approval is requested.

- C. The County Engineer shall review plans for compliance with these Regulations, and provide written comments from the review to the County Judge's office. The comments shall provide information for the Commissioners Court to take the following action:
 - 1. Preliminary Approval
 - 2. Preliminary Approval with conditions to be satisfied at the time of Final Plat Approval
 - 3. Denial of Preliminary Plat Approval
- D. The developer shall have the right to request the placement of a variance request on the Commissioners Court agenda prior to consideration of the Preliminary Plat to address any non-compliance issues not resolved.
- E. Prior to placement of the approval of the preliminary plat on the Commissioners Court agenda, the Developer shall pay a scanning fee of \$75.00/sheet to the County Clerk. The digital file shall be in a .DWG format or a format that is readily convertible to .DWG format. Payment or file shall be submitted to County Judge's office.
- F. If the property to be subdivided lies within the extraterritorial jurisdiction of a city, this procedure shall be accomplished with the platting procedures as established in individual city interlocal agreements.
- G. Action on the preliminary plat must be undertaken at a meeting of Commissioners Court.

3.3.2 Every preliminary plat must include the following:

- A. The lot layout drawn on a scale of 1" = 100' or larger, 1" = 200' or larger for plats with lots greater than 2.5 acres in size, or 1" = 400' or larger for plats with lots greater than 20 acres in size. Sheet size shall be 24" x 36", with a 1" binding margin on all sides. Multiple sheet plats shall have the subdivision name and sheet number located in the lower right hand corner of each sheet. A key map shall be provided showing individual sheet relationships.
- B. Existing topographic contours, which may be

obtained from U.S. Geological Survey 7.5 minute quadrangle map.

- C. The location of existing property lines, easements, streets, buildings, lakes and water courses, utility lines, and drainage culverts within the tract or immediately adjacent within two hundred feet (200').
- D. Proposed lots, blocks, reserves, streets, alleys, building setback lines, easements, and any areas of special use.
- E. Lots shall have a minimum of 50 feet in width at the right-of-way line (50 feet in width at the building line for lots on cul-de-sacs) and shall front a street. Single family residential lots shall not have direct access and shall not front on an urban arterial or an urban collector street.
- F. Flag lots, if allowed, shall have a minimum strip of land (flag staff) width of 70 feet and a staff length no longer than 500 feet plus 20 feet for each acre greater than 10 acres. No more than two flag lots strips shall be located side by side. The flag lot's main body of land cannot be located behind another flag lot.
- G. Tangent lengths, centerline radii, names, and right-of-way dimensions for all proposed and existing streets.
- H. Boundary of the subdivision and scaled dimensions, both linear and angular.
- I. Area of subdivision, total number of lots and total area of reserves.
- J. Proposed and existing utilities, easements, and detention reserves.
- K. Proposed typical property line dimensions and radii.
- L. Front setback lines on all highways shall be 50 feet. Front setback lines on all other streets shall be 25 feet. Side street setback lines shall be 15 feet on local streets, and 25 feet on arterial and collector streets.
- M. Adjacent property owners' names.
- N. A general statement of the proposed uses of

the land within the subdivision.

- O. Name, address, telephone number and fax number for the subdivision owner, developer and surveyor and/or engineer.
- P. If the subdivision is to be carried out in two or more phases, a proposed master plan for the entire tract shall be prepared and filed with the County Judge's Office prior to the time the first unit is submitted. Requirements of the plat, concerning sheet size and drafting media shall be the same as for the plat to be recorded. Scale of this plat will be left to the discretion of the surveyor or the engineer.
- Q. City limits boundaries, extraterritorial jurisdiction boundaries, and county boundaries.
- R. The title block in the lower right hand corner shall contain the proposed subdivision name preceded by the words "Preliminary Plat of _____" and the abstract and survey in which the property is located.
- S. Vicinity map in the upper right hand corner showing location of subdivision in relation to existing streets and highways, and railroads within one (1) mile.
- T. Approval of the appropriate jurisdiction when the subdivision is within the extraterritorial jurisdiction (ETJ) of that city.
- U. A preliminary plat review fee of \$500 for the first 50 acres plus \$200 for each additional increment of 50 acres or less must be paid with the submission of the preliminary plat. The preliminary plat fee shall be reduced to \$350 if the total platted area is less than ten (10) acres and the plat contains less than three(3) lots without the dedication of a new road.

3.4 Final Plat

3.4.1 Final Plat Procedure

- A. The final plat procedure will be the same as the preliminary plat procedure with the following additions.
- B. Commissioners Court shall not grant final

approval on any subdivision until the Developer meets every subdivision requirement, including signature, letters of credit, bluelined copies, paper copies and fees.

- C. The Developer shall submit to the County Judge the specified number of original plats on 4 mil mylar and four identical blueline copies of a size of either 18" x 24" or 24" x 36", at least fourteen (14) days before the date of the Commissioners Court meeting at which approval is requested. All text shall be on the front of the mylar. Photocopies are not acceptable. The specified number of original plats may vary but will generally be understood as one original for the developer, one for filing by the County Clerk, and one additional for cities when platted within an ETJ. Final plat and construction document review fee at \$500 for the first 50 acres plus \$200 for each additional 50 acre or less increment must be paid with the submission of the final plat. The final plat fee shall be reduced to \$350 if the total platted area is less than ten (10) acres and the plat contains less than three(3) lots without the dedication of a new road.
- D. The County Engineer shall review plat and plans for compliance with these Regulations, and provide written comments from the review to the County Judge's office. The comments shall provide information for the Commissioners Court to take the following action:
 - 1. Final Approval
 - 2. Denial of Final Plat Approval
 - 3. Table Final Plat Approval to resolve outstanding issues.
- E. Prior to placement of the approval of the final plat on the Commissioners Court agenda, the Developer shall pay a scanning fee of \$75.00/sheet to the County Clerk. The digital file shall be in a .DWG format or a format that is readily convertible to .DWG format. Payment or file shall be submitted to County Judge's office. A separate check made payable to the County Clerk shall also be submitted with the final plat for the filing fee. All submittals shall be made to the County Judge's office.
- F. Following final approval of the subdivision,

the County Clerk will record the plat in the Plat Records of Austin County, Texas, and distribute the originals with the recording information. The Clerk will retain a copy of the plat for the County's records.

- G. Unless the preliminary plat is followed by final plat approval within one year, the preliminary plat lapses and the subdivision must be resubmitted.
- H. The final plat must be recorded within six months of approval by the Commissioners Court. A single six-month extension may be granted by Commissioners Court.
- I. The final plat must be approved at a meeting of Commissioners Court.
- J. The developer shall provide a letter clarifying the procedure he chooses for construction acceptance and final maintenance acceptance. In connection with this letter the developer must provide the securities as needed for construction per Section 5 and for maintenance per Section 6. It must be noted that subject to the procedure for construction and maintenance chosen by the developer, that the developer may have full responsibility for all of the maintenance for the improvements for a period up to 36 months.
- K. Prior to placement of the approval of the final plat on the Commissioners Court agenda, the Developer shall pay all required inspection fees pertaining to the construction of streets and drainage in accordance with Section 5.7

3.4.2 Final Plat Criteria

- A. Owners' and any lien holders' dedication, and restrictions, if any, shall be duly acknowledged in the manner required for acknowledgment of deeds. For street widening and drainage purposes, the Developer may dedicate either the fee interest in the property or a right-of-way easement for street widening and drainage improvements at the County's option. Right-of-way easements for widening streets or improving drainage must be accompanied by a plat note as found in Section B.1.

The plat must also contain the note as found

in Section B.2. All streets and easements for utilities, street easements, street widening easements and street widening dedications shall be created by a notarized statement executed by all property owners and any lien holders or their legal representatives.

- B. Easements shall be provided for existing utility lines located on the property. Easements for proposed utility improvements shall be identified on the face of the plat. Existing undefined or "blanket" easements shall be defined prior to final plat approval. If no agreement can be reached on a defined easement, then building setback lines shall be shown at a minimum distance of 25 feet from and parallel to the nearest pipeline or facility.
- C. The plat shall show the location of the 100-year floodplain as identified on the most current Austin County Flood Insurance Rate Map (FIRM) published by the Federal Emergency Management Agency. In addition, the plat shall show the location of special flood hazard areas identified by an engineering study, under the seal of a Registered Professional Engineer. Additionally, the plat shall designate all easements of public record and shall include the plat note as found in Section B.8.

The placement of an elevation benchmark with the location, description and elevation of the benchmark shall be identified on the face of the plat. The elevation of this benchmark shall be tied into the closest benchmark with the latest USGS datum. Minimum first floor elevations for buildings shall be identified on each lot.

- D. The standard note for lien holders acceptance that dedication of all public streets and easements shall be accomplished free of liens shall be as found in Section B.4. Any required release of liens shall be provided to the Commissioners Court.
- E. A form on the plat as found in Section B.5 for Commissioners Court approval, including authorization for the County Clerk to file the plat for record as found in Section B.6.
- F. A copy of a title report commitment or plat letter for the specific tract of land dated

within 30 days of the plat approval date.

- G. Approval of the appropriate jurisdiction when the subdivision is within the ETJ of that city.
- H. A letter of serviceability from an entity or entities providing water service or a letter from the Developer stating that no service is available within 1/4 mile of the subdivision and certifying that the lots are suitable for private wells.
- I. An original tax certificate from each taxing unit with jurisdiction of the real property indicating that no delinquent ad valorem taxes are owed on the real property. If the plat or replat is filed after September 1, the submittal shall also include a tax receipt from the collector from each taxing unit with jurisdiction of the real property indicating that the taxes imposed by the taxing unit for the current year have been paid, or, if the taxes for the current year have not been calculated, a statement from the collector of each taxing unit indicating that the taxes to be imposed by that taxing unit for the current year have not been calculated. These requirements do not apply if more than one person acquired property from a decedent under a will or by inheritance and those persons owning an undivided interest in the property obtained approval to subdivide the property to provide each person with a divided interest and a separate title to the property.
- J. A letter from the Developer acknowledging that it is the responsibility of the Developer, not the County, to ensure compliance with the provisions of all applicable state, federal, and local laws and regulations relating to the environment, including (but not limited to) the Endangered Species Act, State Aquifer Regulations, surface water and/or ground water district regulations, and municipal watershed ordinances.
- K. Certification by a Registered Professional Engineer under seal that all engineering, for streets and drainage, within the subdivision is in compliance with these Regulations (including the Engineering Design Standards incorporated as Appendix A) and with all generally accepted engineering standards. If the Developer elects to proceed with plat

recordation under the provisions of Section 5.3, the Developer shall provide additional certification by a Registered Professional Engineer under seal that all construction for streets and drainage within the subdivision was completed in compliance with these Regulations (including the Engineering Design Standards incorporated as Appendix A) and with all generally accepted engineering standards.

- L. A signature block as found in Section B.9 on the plat for approval by the designated representative for on-site sewage review showing that the plat is in compliance with the current Austin County Private Sewage Regulations and current TCEQ Regulations.

This signature block must be signed by a representative of the appropriate department prior to final plat approval. Proper site evaluation as per TCEQ Regulations, Chapter 285 and typical field sizing will be required to show design feasibility.

- M. The following plat notes are located in Section B.11:

Approval By District Attorney
Certificate(s) Of Tax Collector
Drainage District Approval
Certificate Of County Engineer
Legal Description
Certificate Of Surveyor
Utility Easements

- N. When any public street is established by plat and where such public street forms either a stub street into adjacent acreage or where such public street lies along and parallel with the subdivision boundary and adjacent to acreage, a one (1) foot wide reserve shall be established within the street right-of-way to form a buffer strip, dedicated to the public, between the public street right-of-way and the adjacent unsubdivided acreage to prevent access to this public street from the adjacent unsubdivided acreage unless and until a plat of the adjacent property is duly recorded. The conditions associated with the establishment of a one (1) foot reserve on a plat are contained in the following note that shall be placed upon the face of any plat where a one (1) foot reserve is to be

established.

"One (1) foot reserve dedicated to the public in fee as a buffer separation between the side and end of streets where such streets abut adjacent property. The condition of such dedication being that when the adjacent property is subdivided or replatted in a recorded plat, the one (1) foot reserve shall thereupon become vested in the public for street right-of-way purposes and the fee title thereto shall revert to and revert in the dedicator, his heirs, assigns or successors."

4. Replats

- 4.1 Once the owner of an existing lot or lots in a legally platted subdivision has followed the procedure as found in Appendix A, the owner may initiate a replat by notifying the County Judge. After review by the County Engineer, consideration of the replat will be placed on the next Commissioners Court agenda to set a public hearing on the proposed replat.
- 4.2 The owner(s) proposing the replat must send notice of the date and purpose of the hearing by Certified Mail, Return Receipt Requested, at private expense, to each owner of real property in the original subdivision within 200 feet. A copy of this letter shall be sent to the County Judge's Office.
- 4.3 A proposed plat meeting the requirements of these Regulations must be submitted to the Court signed by each owner (including lienholders) of the property to be replatted. The other owners of property in the subdivision need not give specific written consent.
- 4.4 If the replat is within the ETJ of any city, the owners must also obtain approval of the affected city.
- 4.5 If the Court finds after the public hearing that the replat will not affect established legal rights, it will enter an order partially vacating the original plat and approving the plat of the replat. If the Court finds that the replat will affect established legal rights, it shall not approve the replat without the written consent of all affected parties.

5. Improvement Construction Security and Acceptance

- 5.1 The developer of any tract that desires to obtain approval of a plat for recording in the county records shall construct all streets and drainage in the subdivision to the standards and specifications set forth in the Engineering Design Standards incorporated as Appendix A of these Regulations before offering the plat for approval, unless exempted by Section 5.2.
- 5.2 Improvement plans shall be approved by the County Engineer who shall certify that the plan is in conformance with these regulations. Variance from the requirements shall be permitted only by Court Order.
- 5.3 If the Developer desires to have the plat filed before completion of construction of the streets and drainage, then the Developer shall give a good and sufficient bond, cash, or letter of credit. This will be referred to as the construction security. The improvements shall be completed within 12 months of the plat date and the security shall reflect this 12 months. With court approval, an extension of up to one year may be granted. This construction security must be payable to the County Judge of Austin County or successors in office, in an amount equal to the estimated cost of construction, according to the calculations of a Registered Professional Engineer and approved by Commissioners Court. The security shall be conditioned on the completion (in compliance with the Engineering Guidelines) of all the streets and drainage shown on the plat.
- 5.4 In areas within the ETJ of a city, the city's letter of credit policy may apply if the Commissioners Court finds that the city's policy provides adequate protection of the County's interest in the land development and construction of infrastructure, and the County is named with the City on the financial document.
- 5.5 The developer shall be entitled to partial reductions of his security requirement with written approval by the County Engineer and the County Judge.
- 5.6 The Developer shall submit construction plans for streets and drainage, traffic signage, landscaping, irrigation, and utilities within a platted subdivision to the County Judge's Office for approval prior to final plat approval being granted by Commissioners Court. These plans shall show the location of all underground utilities, including water, sewage, cable television, electric, gas, telephone, and storm sewers. These plans shall include the design issues as described in Appendix A Engineering Design Standards.

- 5.7 Upon approval of the improvement plans, the Developer shall pay an inspection fee in the amount of 1.5% of the construction cost for the streets and drainage. If the subdivision is within the ETJ of a city and the city requires equal inspection requirements, then this fee is waived.
- 5.8 If landscaping and/or irrigation is proposed within the right-of-way, the Developer shall create an entity (municipal utility district, homeowners' association, neighborhood association, or other entity approved by Commissioners Court) that will be responsible for the maintenance and liability of the landscaping and/or irrigation. This entity shall have assessment authority to ensure proper maintenance.
- 5.9 When construction has been completed, the Developer shall provide the County Engineer with a set of "As Built" plans. These plans are to show the improvements as they were actually built. In addition to the plans, the Developer shall pay a scanning fee of \$75.00/sheet to the County Clerk. The digital file shall be in a .DWG format or a format that is readily convertible to .DWG format. After the "As Built" plans are received, the County Engineer will provide the Developer a letter approving the construction of the subdivision.
- 5.10 The County may determine plats containing "flag lots" to be a detriment to the public interest, welfare and/or safety, and may require internal street construction at the sole discretion of the Commissioners Court.
- 5.11 When traffic signal lights and/or additional turning lanes are required for traffic generated by subdivisions, these improvements shall be the responsibility of the Developer and the construction cost shall be included in the security.

6. Improvement Maintenance Security and Acceptance

6.1 By accepting a subdivision plat for filing, the Commissioners Court does not accept streets in the subdivision for ownership or maintenance by the County. The owner of the platted lots is responsible for maintenance of all streets within a subdivision until such time as the streets have been accepted for maintenance by the County. This holds true even though the County has approved the construction of the improvements.

6.2 The County will not accept a street for maintenance without the following:

6.2.1 A dedication to the public of an easement or fee interest in the entire street;

6.2.2 Written certification from a Registered Professional Engineer that the street was constructed in accordance with the Engineering Guidelines in effect when the subdivision was legally platted (or has been upgraded to those standards). The letter from the County Engineer as noted in Section 5.9 may be used to meet this requirement. If the subdivision where the street is located was never legally platted, it must meet the current Guidelines;

6.2.3 Written certification from a Registered Professional Engineer that the street is currently in compliance with the applicable Guidelines. The cost of any improvements, maintenance, or repairs required to reach that standard shall be borne by the developer or current owners;

6.2.4 Agreement by the County Commissioner that the street should be accepted, following an inspection by the County Engineer; and

6.2.5 The expiration of one year from the date that all streets, drainage and other improvements in the

subdivision are completed, inspected by the County Engineer, and approved by Commissioners Court;

6.3 This section is required in order to provide security for the maintenance under section 6.2.4.

6.3.1 With the approval of Commissioners Court, the Developer shall give a surety bond, cash or letter of credit in an amount equal to 25% of the cost of construction for the streets and drainage in the

subdivision. This will be referred to as the maintenance bond.

- 6.3.2 Commissioners Court must approve each bond or letter of credit. This security is to be conditioned upon the Developer's maintenance of the streets in a state of good repair until the time as they are accepted. The security shall be made payable to the County Judge of Austin County or successors in office, and shall remain in effect until released by Commissioners Court.
- 6.3.3 Security will be released when the street qualifies for final acceptance under Section 6.2. Before release of the security, the County Engineer shall final inspect the streets, and the Developer shall remedy all deficiencies. If the deficiencies are not promptly remedied, the County shall make the repairs and draw on the security for payment.
- 6.4 The enforcement of plat restrictions is the responsibility of the developer and other owners in the subdivision; however, in an ETJ, both the city and the County shall have the authority to enforce plat restrictions to prohibit the construction or connection of utilities, or issuing of permits unless the requirements of the plat restrictions have been achieved.
- 6.5 The County will assume no responsibility for drainage facilities in the subdivision, other than those running on or along the streets or in approved drainage easements. Maintenance and liability of landscaped areas within the right-of-way will be the responsibility of the developer, the municipal utility district, neighborhood association, or other Developer entity.

7. Substandard Subdivisions

- 7.1 The County may accept maintenance of any street located in a subdivision in existence prior to October 1, 1997 (whether that subdivision was lawfully platted or not), provided that the streets meet all the criteria in Paragraphs 6.2 and 6.3 of these Regulations. The County will assume no part of the cost of bringing the streets into compliance before acceptance.

8. Variances

- 8.1 The Commissioners Court of Austin County, may by written order passed in court grant variances from these Regulations.
- 8.2 Any person who wishes to receive a variance must apply to the County Commissioner, who will place it on the agenda of the Court with a recommendation whether the variance should be granted or not.
- 8.3 If the variance affects a city's ETJ, the person must contact the appropriate jurisdiction as stated in interlocal agreements under Local Government Code 242.001 (c) (d) (4).
- 8.4 The decision of the Court to grant or deny a variance is at its complete discretion.

9. Penalties

- 9.1 Section 232.005 of the Texas Local Government Code provides for the enforcement of these Regulations.
- 9.2 Under Chapter 7 of the Texas Penal Code, a person may be responsible as a party to an offense if the person (acting with intent to promote or assist the commission of the offense) solicits, encourages, directs, aids, or attempts to aid another person to commit the offense. Thus, a real estate agent or broker, a lender, an attorney, a surveyor, an engineer, a title insurer, or any other person who assists in violating these Regulations may also face criminal penalties.
- 9.3 Besides prosecuting a criminal complaint, the District Attorney may file a civil action to enjoin any violation or threatened violation of these Regulations, and to recover damages.
- 9.4 A tract that has been subdivided without compliance with these regulations will be ineligible to obtain a permit for the construction or modification of a Private Sewage Facility located on the tract.

10. Summary of Costs

10.1 Excluding any required bonds or letters of credit, a developer will pay the county the costs per the following sections:

a.	Inspection Fees	5.7
b.	Preliminary Plat Review	3.3.2.S
c.	Final Plat Review	3.4.1.C
d.	Scanning Fee	3.3.1.E
		3.4.1.E
		5.9

11. Plat Required

- 11.1 Commissioners Court adopts the following as a guide to the public in determining when a plat is necessary:
- 11.2 A plat is required for any subdivision as defined by Chapter 232, Local Government Code and as defined by these Regulations.
- 11.3 It is immaterial that the sale of a subdivision lot is by contract or lease-purchase rather than by deed, or that the lots are described by metes and bounds rather than lot and block.
- 11.4 A plat is required to divide a parent tract which is already located within a subdivision.

12. Plat Not Required

- 12.1 Commissioners Court adopts the following as a guide to the public in determining when a plat is not necessary:
- 12.2 A plat is not required for any subdivision that meets the requirements in "Exceptions to Plat Requirements" as stated in Section 232.0015, Local Government Code or that does not meet the definition of a subdivision as defined by these regulations.
- 12.3 A plat is not required when an owner of three or more distinct adjacent tracts sells one or more of them, so long as all existing tracts remain intact. To be "distinct", the tracts must have a history of separate use.
- 12.4 A plat is not required when a smaller tract is created by legitimate foreclosure of a valid lien on a part of the parent tract.
- 12.5 A plat is not required if the property has been divided by the final decree of a court of record with appropriate jurisdiction.
- 12.6 An exception to platting under Section 232.0015 (e) (family grants) shall be subject to the following:
 - 12.6.1 If a family member conveys the land to a non-family member as defined in Section 232.0015 (e) within two (2) years, it shall be presumed than the original conveyance was not for personal use.
 - 12.6.2 If the conditions of 12.6.1 are met, the exception to platting is no longer valid, and all parties now having ownership in the original parent tract shall cause a plat to be filed with Austin County in accordance with the requirements of these regulations.

Appendix A - Engineering Design Standards

A1. Improvement Plans:

The Developer shall employ a Texas registered professional engineer to prepare the "Improvement Plans" in conformance with these regulations. Utility companies and other affected public agencies should be consulted before plans are prepared. Improvement Plans shall be submitted to the County Engineer for approval prior to construction.

1.1 Construction Drawings: Two (2) white background prints of the drawings shall be submitted, and the sheet size shall be 24" x 36". The drawings shall be referenced to the name and unit number of the proposed subdivision, shall show elevations based on mean sea level datum plan, and shall be in compliance with the following information:

- 1.1.1 Street Plan Profile: The plan of each proposed street (indicating the existing ground elevations and proposed street grade surface including existing street grade for a distance of one hundred feet (100') beyond the tract boundary), at a scale of not more than fifty feet (50') per inch.
- 1.1.2 Street Typical Sections: A typical-section of each proposed street if all are not the same, not to scale, but having horizontal and vertical measurements showing width of proposed stabilization, base, wearing surface, curbs, shoulders, ditches, etc.
- 1.1.3 Water Supply and Sanitary Sewer System: The plans and profiles proposed and existing water distribution systems and sanitary sewer if submitted to the required State agencies for approval, shall be submitted to the County Judge's Office to be approved by County Engineer prior to commencement of construction.
- 1.1.4 Drainage: The size, location and typical sections of drainage ditches (or storm sewer, if used) including easements shall be shown. All drainage plans, profiles and computations shall be submitted to the County Judge's Office for approval by County Engineer prior to construction.
- 1.1.5 Existing Utilities: Plans and profiles of existing utilities shall be shown where applicable.

- 1.1.6 Bench Marks: Shall be provided at convenient points, with description, location and Mean Sea Level elevations indicated on the improvement plans.

A2. Lots

- 2.1.1 Minimum lot size shall be one (1) net acre for lots which have an On-Site Sewerage Facility system. All easements are to be excluded from the one-acre calculation. There shall be a 100-foot radius between the well and any septic system drainfield. These easements must be indicated on the plat. The Austin County On-Site Sewage Facility Regulations or other Federal, State, or Local laws or regulations may impose further lot restrictions.

- 2.1.2 There shall be only one (1) single family residential structure (including manufactured home) per platted tract of land designated for single family residential use. However, there shall be no more than one (1) single family residential structure (including manufactured home) on any tract of land one (1) acre or smaller in size, except as otherwise allowed under Appendix C of Austin County Subdivision Regulations. Should multiple residential structures be allowed by the County on unplatted property, the entire property shall remain under a single ownership and the

property shall be of sufficient size to maintain a ratio of a minimum of one (1) acres per one (1) residential structure.

A3. Street Alignments

- 3.1 Streets shall be laid out so as to align with existing streets in adjoining or nearby subdivisions, leaving the possibility of connecting the subdivisions with a minimum of street construction. No voids shall be left within the subdivision with the intent of avoiding responsibility for constructing streets or bridges, nor along the subdivision boundary to avoid connecting with adjacent subdivisions or streets. Arterials shall be placed and designed in accordance with any arterial street plan that contains the subdivision. Collectors will be placed in accordance with the plan of the County Commissioner and County Engineer.
- 3.2 Maximum block length shall be based on the average lot size fronting on the subject street in accordance with

the following:

<u>Average Lot Size Not Greater Than (Ac.)</u>	<u>Block Length Length (Ft.)</u>
0.5	800
1.0	1,000
2.0	1,200
5.0	1,800
10.0	2,400
20.0	3,600
40.0	5,000

- 3.3 Dead-end streets which end at property that may be developed may remain as Dead End streets, but must be extended to the property lines. Dead End streets which shall remain as Dead End streets shall end on a temporary cul-de-sac with a minimum radius of right-of-way 70 feet (minimum base 50 foot radius) with Dead End street signs placed on these streets.
- 3.4 County may require an internal street system that minimizes street cuts to existing County streets.

A4. Minimum Street Requirements

- 4.1 Arterial streets shall be designed as follows:
- 4.1.1 If the arterial is included in the transportation plan, the right-of-way and pavement shall be as required in the plan.
 - 4.1.2 The minimum right-of-way (easement) shall be 100 feet.
 - 4.1.3 The pavement cross section in a rural subdivision shall be 36 feet of paved surface travel-way.
 - 4.1.4 The pavement cross section in an urban subdivision shall be two 24-foot travel-ways with a 19-foot median.
 - 4.1.5 The minimum design speed shall be 50 MPH.
- 4.2 Collector streets shall be designed as follows:
- 4.2.1 If the collector is included in a transportation plan, the right-of-way and pavement cross section shall be as required in the plan.
 - 4.2.2 The minimum right-of-way (easement) shall be 80 feet.

- 4.2.3 The pavement cross section in a rural subdivision shall be 28 feet of paved surface travel-way.
- 4.2.4 The pavement cross section in an urban subdivision shall be a 32-foot paved travel-way.
- 4.2.5 The minimum design speed shall be 40 MPH.
- 4.3 Local streets shall be designed as follows:
 - 4.3.1 The minimum right-of-way (easement) shall be 70 feet in a rural subdivision and 60 feet in an urban subdivision.
 - 4.3.2 The pavement cross section in a rural subdivision shall be 22 feet of paved surface travel-way, or 28 feet back of curb to back of curb.
 - 4.3.3 The pavement cross section in an urban subdivision shall be a 28 feet, back of curb to back of curb.
 - 4.3.4 Cul-de-sacs shall have a minimum right-of-way of 70 feet (radius) with a rural paving section of 50-foot radius paved travel-way, or a 50-foot radius to back of curb.
 - 4.3.5 The minimum design speed shall be 30 MPH.
- 4.4 The following standards apply to all streets:
 - 4.4.1 Concrete streets with curbs shall have a back of curb to back of curb width equal to those sections with curb and gutter sections.
 - 4.4.2 Curb and gutter sections where used with non-concrete pavement shall be a minimum of 24 inches in width.
- 4.5 Additional Right-of-Way for Existing Streets
 - 4.5.1 Where the subdivision affects a county street, the Commissioners Court shall determine the right-of-way width which will be necessary for the maintenance and improvement of the street.
 - 4.5.2 Where the subdivision affects only one side of a county street, adequate right-of-way shall be provided to obtain one-half the total proposed width to provide right-of-way as prescribed by Commissioners Court.
 - 4.5.3 Where the development is on both sides of the

existing county street, right-of-way for the total prescribed width shall be provided.

4.5.4 Any improvements proposed by the developer along an existing county streets shall:

4.5.4.1 Comply with the standards set in Paragraph 4.1;

4.5.4.2 Be included in the construction plans as approved by the County Engineer; and

4.5.4.3 Where it is an improved facility, it must be equal to the existing street, in complete discretion of Commissioners Court.

4.6 Unless otherwise stated in these regulations, all streets shall be designed in accordance with the latest version of AASHTO (American Association of State Highway and Transportation Officials) "A Policy on Geometric Design of Highways and Streets". All references to "mountainous terrain" shall not apply to Austin County.

4.7 Private streets shall be allowed at the discretion of the Commissioners Court.

4.7.1 A private street shall meet all County street standards, except where specific variances have been granted by Commissioners Court for adequate cause in each case.

4.7.2 The subdivision plat and restrictions shall contain a statement that Austin County will never accept or maintain the streets unless they meet the County standards in effect on the date of acceptance.

4.7.3 The subdivision plat shall contain a statement that the roads will be maintained in perpetuity by the owners in the subdivision, and must contain a mechanism for assessing the owners to produce adequate revenue for perpetual maintenance.

4.7.4 The subdivision plat shall contain a requirement that every deed to property within the subdivision contain notice to the grantee that all streets are private, that the owners will be perpetually liable for maintenance, that Austin County will never accept the streets for maintenance, and that the quality of the streets may affect access by public services such as police, fire, and EMS.

- 4.7.5 All private streets shall be dedicated to the homeowners association or other entity acceptable to Commissioners Court for the use of the property owners, their assigns and successors, and emergency response individuals.
- 4.7.6 A sign shall be placed at all entrances of the subdivision clearly stating that the streets in this subdivision are private streets.
- 4.7.7 A homeowners association, or other entity acceptable to Commissioners Court, shall be formed. Membership in the association shall be mandatory for each lot and property owner. The association shall be responsible for the maintenance of the streets in the subdivision.
- 4.7.8 The Owner shall provide a maintenance schedule for the streets to the County Judge's Office. The schedule will include maintenance activities, their cycle of occurrence, and the current costs of providing the maintenance activity. The total costs of the activities, along with a rate of inflation, shall be used to determine the minimum annual assessment per lot.

A5. Construction: General

- 5.1 A preconstruction meeting shall be scheduled prior to the start of construction. The Design Engineer, Developer, Contractor, Subcontractors, County Commissioner, and County Engineer shall attend this meeting. All streets are to be constructed according to specifications found in the current version of the TxDOT Manual Standard Specifications for Construction of Highways, Streets, and Bridges unless otherwise stated in these standards.
- 5.2 All streets, and concrete structures shall be tested by an Independent Testing Laboratory. The subgrade will be tested for Plasticity Index (PI), percent of lime if lime is added, and compaction. Each base course will be tested for compaction and depth. The two course surface treatment will have certification of distribution of AC-5 or HFRS-2 asphalt and of the cover stone. The HMAC course will be tested for compaction and depth. All Proctor density test reports will include a copy of the work sheet showing 100% Design Proctor Standard. Pavement concrete will be tested for flexural strength. A test will be placed at intervals no greater than 500 feet and will be determined by the County Engineer. The developer shall pay for all

testing and will furnish the County Judge's Office with certified copies of these tests. The County Engineer must approve the test results prior to constructing the next course of the pavement.

- 5.3 All underground nonferrous utilities within an easement or street must be accompanied by ferrous metal lines to aid in the location of the utilities through the use of a metal detector except for electrical lines.
- 5.4 All pavement to be designed by a professional engineer. The design is to be based upon a soil report of samples taken along the proposed streets. Test holes will be placed at a maximum spacing of 500 feet. The County Engineer shall review the report along with the street and drainage construction plans for the subdivision.
- 5.5 Concrete monuments meeting TxDOT requirements shall be placed at all points of curvatures and tangencies for all rural streets. These monuments shall also be placed at 1000-foot (minimum) intervals along tangent sections.

A6. Subgrade

- 6.1 The preparation of the subgrade shall follow good engineering practices as directed by the Design Engineer. When the P.I. is greater than 20, then a sufficient amount of lime shall be in accordance with TxDOT Item 260 - Lime Treatment For Materials Used As Subgrade (Road Mixed) and Item 264 Lime and Lime Slurry until the P.I. is less than 20. Subgrades such as sand, with low plasticity (P.I. less than 5) shall be cement stabilized. The subgrade will be prepared and compacted to 95% Standard Proctor density. The subgrade shall be watered, rolled and bladed to a depth of 6 inches before any flexible base material is placed on it.
- 6.2 The subgrade must be inspected and approved by an Independent Testing Laboratory and a certified copy given to the County Judge's Office to be approved by the County Engineer prior to application of the base.
- 6.3 The subgrade shall extend 24 inches outside of the base width on each side of the base material.

A7. Base Material

- 7.1 Base material shall conform to TxDOT Item 247 "Flexible Base". The base material shall be Type A Grade 2.
- 7.2 The base will be prepared and compacted to 95% Standard Proctor Density, +1-2% optimum moisture. The base must be inspected and approved by an Independent Testing Laboratory and a certified copy of all tests given to the County Judge's Office for approval. All streets must have a flexible base. The flexible base shall have a minimum thickness of six (6) inches after compaction of the authorized base material on local streets and a minimum thickness of eight (8) inches after compaction of the authorized base on collector and arterial streets.
- 7.3 The base shall extend 24 inches outside the paving width on each side of the pavement material.

A8. Wearing Surface

- 8.1 Urban streets require a minimum 2" layer of HMAC Type D. Compact to 95% Standard Proctor density. Aggregate used in the mix shall be on the TxDOT Quality Monitoring Schedule. The County Judge's Office shall be provided with a copy of the HMAC design.
- 8.2 Rural streets may use the above or two course surface treatment. The type and rate of asphalt and aggregate will be determined at the preconstruction conference. Aggregate used in the mix shall be on the TxDOT Quality Monitoring Schedule. Aggregate shall conform to TxDOT Item 302. Type B Grade 4 shall conform to TxDOT Item 302.4 except that 98.8 - 100% be retained on No. 10 sieve provided that the decantation test does not exceed 1.0%. Gradation tests will be required for each 300 Cubic Yards with a minimum of one test per each grade per each project. The type of asphalt will be determined at the preconstruction meeting.
- 8.3 Paving material shall be applied only as directed in the TxDOT Manual.
- 8.4 The asphalt surface must be inspected and approved by an Independent Testing Laboratory and a certified copy given to the County Judge's Office for approval by the County Engineer.

A9. Concrete

- 9.1 Design Engineer shall determine class of concrete for each structure. Aggregate used in the mix shall be on the TxDOT Quality Monitoring Schedule. Batch design

will be required for each class of concrete. Test beams will be required for each 500 SY or a minimum of one beam for each class of concrete. For structural concrete, test cylinders will be required for each 50 CY. A slump test will be required for each set of test beams or cylinders. Air entraining and retarding agents used shall be from approved TxDOT list. Fly ash is not allowed in the mix. Pavement concrete shall have 500 PSI flexural strength at 7 days. Concrete pavement shall be a 5 ½ sack mix and a 28-day compressive strength of 3500 PSI. Structural concrete shall have a 28-day compressive strength of 3500 PSI.

9.2 Minimum pavement requirements shall be as follows:

- 9.2.1 Subgrade - in accordance with A6.1
- 9.2.2 Arterial Street - minimum thickness is seven (7) inches with #4 bars on 18-inch centers, each way.
- 9.2.3 Collector Street - minimum thickness is seven (7) inches with #4 bars on 18-inch centers, each way.
- 9.2.4 Local Street - minimum thickness is six (6) inches with #4 bars on 24-inch centers, each way.
- 9.2.5 All reinforcing steel shall be a minimum Grade 60, ASTM A615

A10. Street Names and Markers

- 10.1 All streets to be dedicated to the public with a subdivision shall be named, with prior approval for the name from the U.S. Postal Authorities, the 911 County System, and the Commissioners Court. The street names shall be displayed on standard intersection street markers erected by the Developer at each street intersection. All houses in areas receiving mail delivery shall be numbered. Where rural route mail boxes are in use, the boxes shall be set behind curbs 3 ft. from the edge of the pavement when used. All mailboxes within county right-of-way shall meet the current TxDOT standards.
- 10.2 Traffic control signs (such as stop, yield, and speed limit signs) as approved by Commissioners Court, shall be installed by the Developer of the subdivision at all intersections. Other traffic control signs shall be installed to indicate any unusual traffic or street hazard or conditions that may exist. All traffic

control devices shall be placed in compliance with the current standards of the TxDOT and the construction cost shall be included in the security. The placement of these signs shall be shown in the construction plans.

- 10.3 A speed limit of 25 MPH for local streets, 35 MPH for collector streets, and 45 MPH for arterial streets within all platted subdivisions is required. This limit may be changed only by Commissioners Court upon a finding that the prima facie maximum reasonable and prudent speed for a particular street (or part of a street) should be different, based on an engineering study.
- 10.4 All of the requirements regarding street names, street signs and traffic control signs must be fulfilled prior to being accepted for final maintenance by the Commissioners Court, under Section 6.
- 10.5 All street signs shall adhere to the Texas Manual of Uniform Traffic Control Devices (TMUTCD).

A11. Drainage Plan

- 11.1 A complete and detailed drainage plan prepared and sealed by a Professional Engineer, registered in the State of Texas, shall be submitted as part of the Improvement Plans. This drainage plan shall provide for the handling of runoff entering the development from the adjacent property, runoff within the development, and runoff leaving the development to an acceptable outfall. A drawing shall be provided at a scale that will allow any off-site drainage areas to be shown in their entirety. The drainage plan shall show contour lines of the existing property, any natural drainage ways, proposed ditches and culverts with the direction of flow indicated and the drainage areas clearly marked and numbered. At each proposed drainage structure (not including driveway culverts) the total drainage area and calculated flow rate shall be shown. The drainage plan shall demonstrate that any runoff from the proposed development under the appropriate design conditions, will not result in increases in flood damages or levels to downstream properties.
- 11.2 Drainage calculations shall be based on the assumption that all the property located in the subdivision will be fully developed. Drainage calculations for the sizing of public drainage easements on drainage-ways crossing into and/or out of the subdivision shall be based on the assumption that all of the property located in the subdivision, and all the property upstream from or above the subdivision, will be fully

developed.

11.3 Drainage calculations shall be made using the current TxDOT Hydraulic Manual or other methods satisfactory to the County Engineer. The Malcolm Small Watershed Methodology shall be used for the creation of hydrographs. The design of all detention facilities shall include routing calculations and outlet calculations.

11.4 Flood-Handling Requirements

11.4.1 Drainage for all local streets shall be designed using a 5-year frequency. Drainage for all collector streets and major thoroughfares shall be designed using a 25-year frequency for open ditch drainage or a 10-year design for curb and gutter streets with storm sewers.

11.4.2 Drainage for culvert and bridge crossings of streets shall be designed using a 25-year frequency.

11.4.3 Drainage for all major channels and outfalls shall be designed using a 100-year frequency.

11.4.4 The drainage design shall demonstrate management and accommodation of runoff up to the 100-year frequency including overflow easements.

11.5 Plan and profile drawings shall be provided as a part of the Drainage Plan. All existing and proposed drainage structures (except driveway culverts) shall be shown. Typical sections of any proposed roadways and ditches, as well as typical sections of ditches and drainage easements, shall also be provided. Proposed ditch sections shall be based on hydraulic calculations to provide adequate capacity.

11.6 Driveway Culverts

11.6.1 No driveway culvert will be accepted unless it has a minimum diameter of 15 inches and a minimum length of 30 feet unless authorized by the Commissioner. Larger or longer culverts shall be installed if necessary to handle drainage based upon the design frequency. Use of "dip type" driveways are permitted as long as the grade breaks are less than 15%.

11.6.2 The size of driveway drainage culverts for each lot in a subdivision shall be included in a map or list as a part of the Final Plat. The Developer shall be held responsible to

notify builders and lot owners of this requirement.

11.6.3 Notice of driveway drainage culvert placement requirements shall be placed in all deed restrictions.

11.6.4 The construction documents shall include sizes and grades for all driveway culverts for all lots even if not constructed by the developer.

11.7 Detention Facilities

11.7.1 Detention facilities, when needed, shall be constructed to restrict runoff from the platted area to a runoff rate based on existing conditions.

11.7.2 Operation and maintenance of detention facilities shall be the responsibility of the Developer, or a property owners' association, or equivalent, with the authority to levee fees for such maintenance and operation. Documentation of the creation and authority of said association shall be provided with the Final Plat.

11.7.3 All detention facilities shall include the following:

11.7.3.1 Minimum 20-foot wide maintenance berm on all sides.

11.7.3.2 Minimum 3:1 side slopes

11.7.3.3 Bottom of facility shall have a minimum 1% cross slope

11.7.3.4 Facility shall have a concrete pilot channel

11.7.4 Construction documents shall include a grading plan and details for the facility and any inlet and outlet structures.

11.8 Slab elevations for any building with provisions for either On-Site Sewerage Facilities or public sewerage facilities shall be twelve (12) inches above the base flood elevation, twelve (12) inches above immediate adjacent natural ground within five (5) feet of the structure, twelve (12) inches above the centerline of a road on which the property fronts if the area is generally level or if the area around the structure drains toward the road, or twelve (12) inches above the top of any controlling drainage infrastructure downstream of the structure, whichever is higher. Additional elevation requirements may be imposed by

the Austin County Flood Plain Regulations. Some point within the first 10 ft. of driveway shall have the same or greater elevation as the top of the curb, where installed, across the entire width of the driveway.

- 11.9 Responsibility for drainage is not to be accepted by the County other than that accepted in connection with draining or protecting the streets and within approved and accepted drainage easements.
- 11.10 All street side ditches shall have a minimum depth equal to the diameter of the driveway culvert pipe plus six inches and a bottom width equal to the diameter of the driveway culvert pipe. The side slope of the ditches is to be 3:1 or flatter. The minimum longitudinal slope of the ditches is to be 0.10%. Maximum ditch depth shall be four (4) feet from natural ground.
- 11.11 The characteristics of an individual development may be such that additional calculations, plans, and details may be required both for proper review and for construction. The County shall notify the Developer or the Engineer as this need becomes evident.

A12. Driveways

- 12.1 Minimum driveway spacing on arterial streets without curb and gutter shall be 100 feet.
- 12.2 The use of concrete "dip type" driveways is encouraged. The maximum grade break at each vertical point of intersection shall be 15%. Concrete will be 3000 PSI with a minimum thickness of four inches. Minimum reinforcement shall be #3 at 18" on center each way (ocew).

A13. Pipelines

13.1 Petroleum Pipe Line Crossing

13.1.1 When new streets are constructed over pipe lines, the pipe lines must meet the following requirements:

13.1.1.1 Encased pipe must be at least 3 feet below the deepest proposed ditch grade.

13.1.1.2 Non-cased pipe (of extra wall thickness meeting Federal Regulations) must be at least 4 feet below the deepest proposed ditch.

13.2 No street will be accepted for maintenance by Austin County which contains a petroleum pipe line within the right-of-way, other than crossing pipe lines. The exact horizontal and vertical location of pipe must be shown as determined in the field. The note from Section B.10 must be shown on the face of the plat.

Appendix B --- Plat Notes

B1. Street Widening Easements

Right-of-way easements for widening streets or improving drainage shall be maintained by the landowner until a street or drainage improvements are actually constructed on the property. The County has the right at any time to take possession of any street widening easement for construction, improvement or maintenance.

B2. Owner's Responsibilities

The building of all streets, bridges or culverts is the responsibility of the owners in accordance with the plans prescribed by Commissioners Court. Commissioners Court assumes no obligation to build or maintain any of the streets shown on this plat or of constructing any of the bridges or drainage improvements. Upon completion of all obligations by the Developer and written approval from the Commissioners Court, the County will assume full responsibility for maintenance of the streets. The County will assume no responsibility for the drainage ways or easements in the subdivision, other than those draining or protecting the streets.

The County assumes no responsibility for the accuracy of representations by other parties in this plat. Flood plain data, in particular, may change depending on subsequent development.

The owners of land covered by this plat must install at their own expense all traffic control devices and signage that may be required before the streets in the subdivision have finally been accepted for maintenance by the County.

B3. Owner's Release

The standard format for owner's approval of the plat restrictions and dedication of easements shall be as follows:

For Corporations (Face of Plat)

We, **(Name of President)** and **(Name of Secretary)**, President and Secretary respectively, of **(Name of Company)**, owner of the property subdivided, in this plat of **(Name of Subdivision)**, make subdivision of the property on behalf of the corporation, according to the lines, lots, building lines, streets, alleys, parks and easements as shown and dedicated for public use, the streets, all alleys, parks and easements shown, and waive all claims for damages occasioned by the establishment of grades as approved for the streets and drainage easements dedicated, or occasioned by the alternation of the surface, or any portion of the streets or drainage easements to conform to the grades, and bind ourselves, our heirs successors and assigns to warrant and defend the title to the land so dedicated.

In Testimony, hereto, the **(Name of Company)**, has caused to be signed by **(Name of President)**, its President, attested by its Secretary, **(Name of Secretary)**, and its seal, this ____ day of _____, 20__.

Name of Company

By: _____
President

Attest: _____
Secretary

Notary Public (for Corporation)

STATE OF TEXAS }

COUNTY OF }

BEFORE ME, the under signed authority, on this day personally appeared **(Name of President)**, President, and **(Name of Secretary)** Secretary of **(Name of Company)**, known to me, to be the persons whose names are subscribed to the foregoing instruments, and acknowledged to me that the same was the act of the corporation, for the purposes and considerations expressed, and in the capacities stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS ____ DAY OF _____ 20 ____.

Notary Public

In and for _____ County, Texas

For Individual(s) (Face of Plat)

I, (or we), (Name of owner or names of owners), owner, (or owners) of the property subdivided in the above map of the (Name of Subdivision), make subdivision of the property, according to the lines, streets, lots, alleys, parks, building lines and easement as shown, and dedicate for public use, the streets, alleys, parks and easements shown, forever, and waive all claims for damages occasioned by the establishment of grades, as approved for the streets and drainage easements indicated, or occasioned by the alteration of the surface, or any portion of the streets or drainage easements to conform to the grades, and bind ourselves, our heirs, successors and assigns, to warrant and defend the title to the land so dedicated.

WITNESS MY (or our) hand in (City), _____,
County, Texas, this ___ day of _____, 20__.

(Signature of Owner)

(Signature of Owner)

Notary Public [For Individual(s)]

STATE OF TEXAS }

COUNTY OF }

BEFORE ME, the undersigned authority, on this day personally appeared [Name(s) of Owner(s)], known to me to be the person(s), whose name(s) is (or are) subscribed to the foregoing instrument, and acknowledged to me that he (she) (they) executed it for the purposes and consideration set forth.

Given under my hand and seal of office, this ___ day of _____, 20__.

Notary Public
In and For _____ County, Texas

B4. Lien Holder's Release

(The following phrase is to be included only if there is a lien against the property) (Face of Plat)

I (or we), [Name(s) of Mortgage(s)], Owner and Holder (or owners and holders) of a lien (or liens) against the above-described property, the lien (or liens), being evidenced by an Instrument of Record in County Clerk's File No. _____, Official Records, Austin County, Texas, subordinate to the subdivision and dedication the lien (or liens), and I (or we) confirm that I am (or we are) the present owner (or owners) of the lien (or liens) and have not assigned the same, nor any part.

NOTE: All lienholder signatures shall be acknowledged by a Notary Public.

B5. CERTIFICATE OF COMMISSIONERS COURT

APPROVED by Commissioners Court of Austin County, Texas, this ____ day of _____, 20__.

County Judge

Commissioner, Precinct 1

Commissioner, Precinct 2

Commissioner, Precinct 3

Commissioner, Precinct 4

B6. CERTIFICATE OF COUNTY CLERK

(Face of Plat)

Provide box for County Clerk's Statement - 6 inches (right to left) and 2 inches (top to bottom), and adjacent to bottom margin

APPROVAL BY PLAT ROOM RECORDER (Face of Plat)

_____ Date

_____ Plat Book Recorder

County Clerk's File No. _____

Plat Cabinet No. _____ Page No. _____

B7. CERTIFICATE OF CITY COUNCIL

(If Subdivision is located within Extraterritorial Jurisdiction) (Face of Plat)

The certificate must follow the city's regulations.

B8. FLOOD PLAIN CERTIFICATION

The following note shall appear on the face of the Plat, "Structures built on lots in the designated Flood Plain must be elevated to the Base Flood Elevation. No building permits will be issued in a floodway below the base flood elevation (B.F.E.). Contact the Floodplain Administrator's Office for specific information."

B9. ON-SITE SANITARY WASTE CERTIFICATION

Note : this needs to be completed depending on department titles

B10. PIPELINES

(Face of Plat)

(Show all existing oil and gas pipe lines and/or plus pipe line easements or statement that:) No pipe line or pipe line easement exist within the boundaries of this plat.

If pipe lines do exist within the proposed subdivision, written "crossing" approvals must be submitted from each owner.

B11. ADDITIONAL PLAT NOTES AND RELEASES

A. CERTIFICATE OF SURVEYOR (Face of Plat)

This is to certify that I (Name), a Registered Professional Land Surveyor of the State of Texas, have platted the above subdivision from an actual survey on the ground; and that all block corners, lot corners and permanent referenced monuments have been set, that permanent control points will be set at completion of construction and that this plat correctly represents that survey made by me.

Surveyor
State Registration No. _____
(Seal)

B. LEGAL DESCRIPTION (Face of Plat)

(Herein, provide a legal description [metes and bounds description] of the property platted, tied to an original corner of the original survey.)

C. CERTIFICATE OF COUNTY ENGINEER (Face of Plat)

I, (Name of County Engineer), County Engineer of Austin County, certify that the plat of this subdivision complies with all existing rules and regulations of Austin County.

Date

County Engineer

D. APPROVAL BY DISTRICT ATTORNEY (Separate Document)

Date

By: _____
Assistant District Attorney

E. CERTIFICATE(S) OF TAX COLLECTOR

(This document does not appear on the face of the Plat, but is a separate document. A Certificate from each Tax Collector of a Political Subdivision in which the property is located must accompany the Plat to be recorded, showing that all taxes owing to the State, County, School District, Drainage District and/or other Political Subdivision, have been paid in full to date.)

F. DRAINAGE DISTRICT APPROVAL (Face of Plat)

(If subject property lies within the boundaries of a Drainage District.)

Date

(Commissioner)

(Commissioner)

E. UTILITY EASEMENTS NOTES

(The following shall appear within the Owner's approval contained with B.3.)

There is hereby dedicated a twenty (20) foot utility easement along and adjacent to all interior property lines or lot lines in the subdivision being ten (10) feet on each side of the interior property lines or lot lines for a total width of twenty (20) feet.

There is hereby dedicated a fifteen (15) foot utility easement along and adjacent to all roads and streets in the subdivision.

There is hereby dedicated to the utility companies the right to build and maintain buried or aerial utility lines across all roads and streets in order to provide service to all lots and tracts within the subdivision.

The owner who intends to use the land for a manufactured home rental community must have an infrastructure development plan prepared that complies with the minimum infrastructure standards established in Appendix C.

Appendix C --- Infrastructure Development Plan

C1. Infrastructure Development Plan

1.1 The Manufactured Home Rental Community Infrastructure Development Plan (IDP) shall show at minimum the following:

1.1.01 The development shall have a minimum of sixty (60) feet fronting a street or roadway which has been previously dedicated to the public for the public's use and benefit as a street or roadway. Access roads to be the individual rental spaces must be constructed and paved to a minimum width of 20 feet with a 1 ½ inch thick Hot Mixed Asphaltic Concrete (HMAC) paved surface, 8 inch thick crushed stone base, and, if located in clay or sandy soils, a 10 inch thick treated subgrade.

1.1.02 No space may contain more than one single family residential unit. No common driveways shall be allowed. Each space shall have separate and individual access.

1.1.03 A survey of the property shall be submitted to the County Environmental Protection Office prior to the request by the owner or occupier of the lot for any permit and/or utility services.

1.1.04 The owner shall submit a letter of application, signed by the owner, that stipulates the intention of the owner; name, address, phone number of the owner; names of water and electricity providers; and name of wastewater provider or type and usage of onsite sewage facilities.

1.1.05 Only 18" x 24" or 24" x 36" sheets will be acceptable and at a maximum scale of 1"=200' (1" = 100' preferred), or as approved by the County Engineer. An index on the first sheet is required when more than two sheets are required for the IDP.

1.1.06 Names, locations, dimensions (bearings and distances), and layouts of existing and proposed streets, alleys easements, and other public right-

of-way and public street right-of-way easement, alley, park, or other public dedication.

- 1.1.07 Dimensions, bearings and distances, of the proposed rental spaces.
- 1.1.08 Signatures and date of approval and certifications on the IDP. These approval signatures shall be not more than six (6) months prior to the submission. Examples of the required acknowledgments and certifications are as contained in the exhibits attached hereto.
- 1.1.09 Legal description, acreage, and name of the proposed Development. The Development's name shall not be spelled or pronounced similarly to the name of any existing Development or Subdivision located within the County.
- 1.1.10 The boundary of the Development indicated by a heavy line and described by bearings and distances.
- 1.1.11 Scale, legend, north arrow, spot elevations on 100' or an appropriate grid, with two foot (2.0') contour lines. Alternate contour intervals may be submitted, based on terrain, with approval from Commissioners Court and County Engineer.
- 1.1.12 Deed record, name of owner, volume and page number of adjoining properties.
- 1.1.13 Dates of survey and preparation of IDP.
- 1.1.14 Identification code, location, description, and elevation of the USGS or appropriate benchmark used in the survey.
- 1.1.15 Front building setback lines. Back and side building setback lines by note.
- 1.1.16 Location of any City's corporate limit line or extraterritorial jurisdiction line.
- 1.1.17 Vicinity map with streets, ditches, general drainage flow directions to the ultimate outfall, city limits and ETJs, and other major land features.
- 1.1.18 Net area (gross area less easements) of rental spaces to the nearest 1/100 of an acre for lots

using On-Site Sewage facilities and/or well water.

- 1.1.19 Limits of flood hazard areas as defined by the appropriate FEMA FIRM panel and the proposed finished floor elevation of buildings within these flood hazard areas on each space.
- 1.1.20 A certification by a Surveyor or Engineer describing any area of the Development that is in a Flood Plain or stating that no area is in a Flood Plain, as delineated by the appropriate FEMA FIRM panel and date.
- 1.1.21 A surveyor's signature and seal on the IDP for certification.
- 1.1.22 The description of the water and sewer facilities, electricity and gas utilities, and roadways and easements dedicated for the provision of water and sewer facilities that will be constructed or installed to serve the Development and a statement of the date by which the facilities will be fully operable, prepared by an Engineer (may be included in an attached document). A certification must be included that the water and sewer facilities described by the IDF, or document attached to the IDP, are in compliance with these Regulations.
- 1.1.23 Approvals by other regulatory and governing bodies, as required.
- 1.1.24 Letters signed and dated from water, wastewater, and electric utilities of service commitment and availability and statement of approval of existing and proposed utility easements.
- 1.1.25 A tax certificate showing that all taxes currently due with respect to the original tract has been paid.
- 1.1.26 Results of soil analysis certified by a qualified site evaluator (as defined by 30 TAC Chapter 285) for on-site sewage facilities (OSSF).
- 1.1.27 Engineering Design Construction Plans for roadway access to each rental space for fire and emergency vehicles.
- 1.1.28 Drainage design plans to ensure adequate drainage off of the rental spaces to drainage channels and out of the Development, including the design of drainage structures, culverts, and/or systems using

a 10 year storm frequency, such that the drainage out of the Development does not have a negative drainage impact on neighboring properties. If additional right-of-way (ROW) is required for existing County road drainage and access as determined by the County Engineer to achieve a 60 foot wide right-of-way, the owner shall dedicate the right-of-way to the County.

1.1.29 The Engineering Report, as described in Appendix D of these regulations.

2.1 Inspection of Improvements. Construction of a proposed Manufactured Home Rental Community may not begin before the date the County Engineer and Commissioner approves the IDP. Periodic inspection of improvements may be required, as directed by the County Engineer. If the County Engineer directs that a final inspection is required, it must be completed not later than the second business day after the date the County Engineer receives a written confirmation from the owner that the construction of the infrastructure is complete. If the inspector determines that the infrastructure improvements comply with the IDP, then the County Engineer shall issue a Certificate of Compliance no later than the fifth business day after the date the County Engineer receives written confirmation from the owner that the infrastructure has been completed and in compliance with the IDP.

3.1 Utilities. A Utility may not provide utility services, including water, sewer, gas, and electric services, to a Manufactured Home Rental Community subject to an IDP or to a manufactured home in the community unless the owner provides the utility with a copy of the Certificate of Compliance issued by the County Engineer. This requirement applies to:

3.1.01 A municipality that provides utility services;

3.1.02 A municipality owned or municipality operated utility that provides utility services

3.1.03 A public utility that provides utility services;

3.1.04 A nonprofit water supply or sewer service corporation organized and operating under Chapter 67, Water Code, that provides utility services;

3.1.05 A county that provides utility services; and

3.1.06 A special district or authority created by state law that provides utility services.

4.1 Timely Approval of Infrastructure Development Plans. No later than the 60th day after the date the owner of a proposed manufactured home rental community submits an infrastructure development plan for approval, the County Engineer shall approve or reject the plan in writing. If the plan is rejected, the written rejection must specify the reasons for the rejection and the actions required for approval of the plan. The failure to reject a plan within the period prescribed herein constitutes approval of the plan.

Appendix D --- Engineering Report for Manufactured Home Rental Communities

D1. Engineering Report - This report, which shall be signed, dated, and sealed by a licensed professional engineer registered in Texas, shall contain detailed and definitive information on the following:

1.1 Water Supply Facilities

1.1.01 Public Water Systems

- a. If the water supplier is a political subdivision of the state: a city, municipality, utility district, water control and improvement district, nonprofit water supply corporation, etc., the Developer shall furnish a signed letter of service availability from the water supplier to provide the state's minimum requirements of quality and quantity of water to the proposed Development.
- b. Water service must be extended into the Development to each lot or rental space if the existing water lines are located within 300 feet of the Development and if there is sufficient water available by the water supplier.

1.1.02 Private Wells or Non-public Water Systems - Quantitative and qualitative results of sampling test wells in accordance with requirements promulgated by the TCEQ and the Texas Department of Health shall be included where individual wells are proposed for the supply of drinking water to residences and other establishments. The results of the analyses shall be made available to the prospective property owners or renters.

1.1.03 Prior to IDP approval, plans and specifications for the proposed water facilities system shall have

been approved by all entities having jurisdiction over the

proposed project, including TCEQ. Evidence of the approvals shall be included in the Engineering Report.

2.1 Wastewater Disposal Facilities

2.1.01 Centralized Sewerage Facilities

- a. If wastewater treatment is provided by a political subdivision of the state (city, municipality, utility district, water control and improvement district, nonprofit water supply corporation or an existing investor-owned water supply corporation, etc.) the Developer shall furnish a signed letter of service availability to provide the state's minimum wastewater treatment standard for the proposed Development from the utility.
- b. Prior to IDP approval, an appropriate permit to treat and/or dispose of wastes for the ultimate build-out of the Development shall have been obtained from the TCEQ and plans and specifications for the proposed wastewater collection and treatment facilities shall have been approved by all entities having jurisdiction over the proposed project, including TCEQ. Evidence of the approvals shall be included in the Engineering Report.
- c. Wastewater disposal service must be extended into the Development to each lot or rental space if the existing wastewater lines are within 200 feet of the Development and there is sufficient wastewater capacity available from the wastewater service provider.

2.1.02 On-Site Sewage Facilities - The engineering report shall include soil analysis results as required under the Austin County Regulations for On-Site Sewage Facilities.

3.1 Roadways. The Engineering Report shall include a description of the roadways within the Community, and include information on the roadway cross section, pavement width and thickness, base thickness, subgrade treatment, material specifications, and other information as required in these Regulations. Plans and specifications for these

improvements shall also be submitted to the County Judge's Office for approval by the County Engineer prior to

construction.

- 4.1 Signage Plan. A signage plan for the streets to be constructed, if any, is to be included that shows an overall street layout depicting the location and description of signs and traffic control devices to be installed. The traffic control devices will include street name signs, stop signs, yield signs, speed limit signs, directional controls, striping, and delineators, etc.
- 5.1 Traffic Impact Study. For Manufactured Home Rental Communities of 100 spaces or greater, the Engineering Report may, at the request of the County Engineer, be required to include a Traffic Impact Study in accordance with the requirements of the County to assess the effects of additional traffic on the existing and proposed transportation system.
- 6.1 Drainage. The Engineering Report shall include information on the Development and roadway drainage, culverts, conveyances, outfalls, and other information as required to properly convey storm water within and away from the Development. Plans and specifications for these improvements shall also be submitted to the County Judge's Office for approval by the County Engineer prior to construction.
- 7.1 Electronic Submission. An electronic file in AutoCAD format (.dwg) of the layout of the lots and streets (to scale and with state plane coordinates) within the Development shall be submitted for incorporation to the County-wide map.