

**SAN JACINTO COUNTY  
REGULATIONS  
For  
SUBDIVISIONS  
&  
DEVELOPMENT**

Fritz Faulkner

Laddie McAnally

Donny Marrs

David Brandon

Mark Nettuno

San Jacinto County Judge

Precinct 1 Commissioner

Precinct 2 Commissioner

Precinct 3 Commissioner

Precinct 4 Commissioner

November 19, 2021

Adopted

Judge



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**SAN JACINTO COUNTY  
REGULATIONS  
For  
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&  
DEVELOPMENT  
Part 1**

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San Jacinto County-Regulations for Subdivisions & Development

San Jacinto County Commissioners Court

**ORDER**

November 19, 2021 AMENDED SUBDIVISION RULES AND REGULATIONS

**WHEREAS**, Section 408 of Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. §5174) Executive Order (E.O.) 11988, Floodplain Management, May 24, 1977; Executive Order (E.O.) 11990, Protection of the Wetlands, May24, 1977.; 44 C.F.R. §9.13 which mandates Mobile Homes or other Readily Fabricated Vehicles as needing Permitting, 44 C.F.R. Parts 59 thru 73 Floodplain: Local Government Code (LGC) 232; and Section 16.343 of the Texas Water Code apply;

**WHEREAS**, the Commissioners Court finds that amending the floodplain ordinance and requiring permits for the construction of Residential and Non-Residential commercial establishments, public buildings, and multi-family dwellings with four (4) or more units in the unincorporated areas of San Jacinto County, Texas allows the County to impose standards to protect the health, safety, welfare and property of the general public. This Code governs the safe-guarding of life and property from flooding and from conditions hazardous to life or property in the occupancy of buildings and premises in Unincorporated San Jacinto County.

**WHEREAS**, FEMA has added new Definitions and Floodplain criteria as to provide appropriate protective measures and continuity with other Federal, State and local governments in San Jacinto County and surrounding areas. These Definitions are memorialized in Part 1, Appendix 3, Article 2 Definitions, and in Total, the Revised Appendix 3, Articles 1 thru Article 5 are updated to meet current FEMA Criteria. Part II, Appendix 5, Article 1 has added the IFC 2009 Fire Code.

**BE IT THEREFORE ORDERED** that, pursuant to LGC 232 and other Authorities as listed above, a copy of the Amended Subdivision Rules and regulations is attached hereto and incorporated here in for all purposes adopted, to become effective November 14, 2017. This document is to be Filed as the "Record of Change" for the Subdivision Rules and Regulations with all attachments and placed in the File Copy Book located in the County Clerk's office.

APPROVED AS AMENDED, this 9<sup>th</sup> day of September, 2020.

County Judge Fritz Faulkner

*Laddie McAnally*

Precinct 1 Commissioner Laddie McAnally

*Donny Marrs*

Precinct 2 Commissioner Donny Marrs

*David Brandon*

Precinct 3 Commissioner David Brandon

*Mark Nettuno*

Precinct 4 Commissioner Mark Nettuno

Attest: *Dawn Wright*

Dawn Wright, County Clerk

*By Mark White*



# San Jacinto County-Regulations for Subdivisions & Development

## TABLE OF CONTENTS

### Regulations for Subdivisions & Development Part 1

**Signature Page – Amended September 9, 2020**

**Section 1 – Definitions** **Pg. 1-3**

**Section 2 – General Requirements**

2.1:	General Subdivision Requirements	Pg. 4
2.2:	Subdivision Approval Process	Pg. 4
2.3:	Transmittal Materials	Pg. 4
2.4:	Communication with Precinct Commissioner	Pg. 5
2.5:	Application Materials	Pg. 5
2.6:	Record Plat	Pg. 5
2.7:	Application Review Periods	Pg. 5
2.8:	Application Fees	Pg. 5
2.9:	Subdivisions within ETJ of a City	Pg. 5-6
2.10:	Wastewater & Development Permits	Pg.6

**Section 3 – Exemptions**

3.1:	Exempted Subdivisions	Pg. 7-8
------	-----------------------	---------

**Section 4 – Preliminary Plat**

4.1:	Information	Pg. 9
4.1.1:	General Information	Pg. 9-10
4.1.2:	Floodplain and Drainage Information	Pg. 10-11
4.1.3:	Street & Right-of-Way (ROW) Information	Pg. 11
4.1.4:	Water, Wastewater & Utilities Information	Pg. 11-12
4.2:	Street Design	Pg. 12
4.3:	Drainage	Pg. 12
4.4:	On-Site Sewage Rules	Pg. 12
4.5:	Approval of Preliminary Plat	Pg. 12
4.6:	No Conveyance of Lots	Pg. 12
4.7:	Expiration	Pg. 12

**Section 5 – Final Plat**

5.1:	Information	Pg. 13
5.1.1:	General Information	Pg. 13
5.1.2:	Floodplain & Drainage Information	Pg. 13-14
5.1.3:	Street & Right-of-Way (ROW) Information	Pg. 14
5.1.4:	Water, Wastewater & Utilities Information	Pg. 14
5.2:	Additional Requirements for Streets	Pg. 15
5.3:	Standard for Approval	Pg. 15

## San Jacinto County-Regulations for Subdivisions & Development

- 5.4: Approval of Final Plat Pg. 15
- 5.5: Record Plat Pg. 15

### Section 6 – Street Design & Construction

- 6.1: Permitted Street Pg. 16
- 6.2: Dedication to Public Pg. 16
- 6.3: Design of Public Improvements Pg. 16
- 6.4: Flag lots Pg. 16
- 6.5: Residential Driveways Pg. 16-17
- 6.6: Permit Required for Construction in Right-of-Way (ROW) Pg. 17

### Section 7 – Acceptance of Road Maintenance & Development Permits

- 7.1: Applicant’s Maintenance Responsibility Pg. 18
- 7.2: Construction Security Pg. 18-19
- 7.3: County Acceptance of Maintenance Pg. 19-20
- 7.4: Installation of Utility Lines Pg. 20-21

### Section 8 – Water & Wastewater Standards

- 8.1: Compliance with On-Site Sewage Rules Pg. 22
- 8.2: Fire Protection Pg. 22-23

### Section 9 – Drainage & Flood Control

- 9.1: Storm Sewer Run-Off Pg. 24
- 9.2: Conveyance of 100-Year Storm Frequency Flows Pg. 24
- 9.3: Completion of Drainage System Prior to Acceptance of Road Maintenance Pg. 24
- 9.4: Maximum Headwater Elevation for Drainage Crossings for Neighborhood and Local Streets Pg. 24-25
- 9.5: Water Impact Requirements for Pavement Design Pg. 25
- 9.6: Drainage Design Methodology Pg. 25
- 9.7: Easements Pg. 25-26
- 9.8: Request for Additional Materials Pg. 26

### Section 10 – Revision & Cancellation

- 10.1: Revision Pg. 27-28
- 10.2: Cancellation Pg. 28
- 10.3: Combination Pg. 28

### Section 11 – Variances

- 11.1: Criteria for Variances Pg. 29
- 11.2: Application Materials Pg. 29
- 11.3: Discretion to Grant Variances Pg. 29

# San Jacinto County-Regulations for Subdivisions & Development

## **Section 12 – Enforcement & Penalties**

12.1: Category of Offense	Pg. 30
12.2: Enforcement Actions	Pg. 30
12.3: Enforcement of Plat Notes	Pg. 30

## **Section 13 – Severability**

13.1: Severability	Pg. 31
--------------------	--------

San Jacinto County-Regulations for Subdivisions & Development

**TABLE OF CONTENTS  
FOR  
APPENDICES  
Regulations for Subdivisions & Development**

(Note-Amended Parts, Sections or Articles only noted under “Amended” Column)

**Appendix 1 - Standard Plat Notes and Certifications**

**Amended**

Individual-Dedication by Owner	Pg. 1	
Corporation-Dedication by Owner	Pg. 2	
Certificate of County	Pg. 3	
Certificate of Recording	Pg. 4	
Certification of Surveyor	Pg. 5	Title corrected 12.21.17
FEMA Floodplain Note, Utility Notes	Pg. 6	
Sewage Disposal Note, 911 Note	Pg. 6	
Individual Water Supply Note	Pg. 6	
Water Supply Note	Pg. 6	
Pipeline Easement Note	Pg. 6	Permit & Fee Revised 2017
Drainage Easement Note	Pg. 7	
Benchmark(s)	Pg. 7	
Dedication to County of Streets	Pg. 8	

**Appendix 2 – Standard Forms for Construction Security and Maintenance Security**

Surety Bond	Pg. 1-2
Irrevocable Letter of Credit	Pg. 3-4

**Appendix 3 – Flood Damage Prevention Ordinance**

**Article 1: Statutory Authorization, Findings of Fact, Purpose and Methods**

Section A- Statutory Authorization	Pg. 1	Amended 11.14.17
Section B- Findings of Fact	Pg. 1	Amended 11.14.17
Section C- Statement of Purpose	Pg. 1-2	Amended 11.14.17
Section D- Methods of Reducing Flood Losses	Pg. 2	Amended 11.14.17

<b>Article 2: Definitions</b>	Pg. 3-9	Amended 11.14.17
-------------------------------	---------	------------------

**Article 3: General Provisions**

Section A- Lands to Which this Ordinance Applies	Pg. 10	Amended 11.14.17
Section B- Basis for Establishing the Areas of Special Flood Hazard	Pg. 10	Amended 11.14.17
Section C- Establishment of Development Permit	Pg. 10	Amended 11.14.17
Section D- Compliance	Pg. 10	Amended 11.14.17
Section E- Abrogation and Greater Restrictions	Pg. 10	Amended 11.14.17
Section F- Interpretation	Pg. 10	Amended 11.14.17

## San Jacinto County-Regulations for Subdivisions & Development

Section G- Warning and Disclaimer of Liability	Pg. 11	Amended 11.14.17
Section H- Mechanical, Electrical, Plumbing Systems	Pg. 11	
Section I- Structures and Foundations	Pg. 11	
Section J- Special Duties and Responsibilities of the Flood Administrator	Pg.11-13	Amended 08.10.22

### Article 4: Administration

Section A- Designation of the Floodplain Administrator	Pg. 14	Amended 11.14.17
Section B- Duties & Responsibilities of the Floodplain Administrator	Pg. 14-15	Amended 11.14.17
Section C- Permit Procedures	Pg. 15-16	Amended 11.14.17
Section D- Variance Procedures	Pg. 16-17	Amended 11.14.17

### Article 5: Provisions for Flood Hazard Reduction

Section A- General Standards	Pg. 18-19	Amended 11.14.17
Section B- Specific Standards	Pg. 19-25	Amended 11.14.17
1. Residential Construction	Pg. 19	Amended 11.14.17
2. Non-Residential	Pg. 20	Amended 11.14.17
3. Commercial Structures, Public Buildings, or Encroachments of Structures	Pg. 20	Amended 11.14.17
4. Enclosures	Pg. 20-21	Amended 11.14.17
5. Appurtenant Structures	Pg. 21	Amended 11.14.17
6. Manufactured Homes	Pg. 22-23	Amended 11.14.17
7. Recreational Vehicles (RV)	Pg. 23-24	Amended 11.14.17
8. Floodways	Pg. 24	Amended 11.14.17
9. Fill Material	Pg. 24-25	Amended 11.14.17
Section C- Standards for Subdivision Proposals	Pg. 25	Amended 11.14.17
Section D- Severability	Pg. 25	Amended 11.14.17
Section E- Penalties for Non-Compliance	Pg. 26	Amended 11.14.17
Section F- FEMA/NFIP Documents	Pg. 27-31	

### Article 6: Administrative Procedures – San Jacinto County, Texas

Section A- Substantial Improvement/Substantial Damage (SI/SD)		
1. Recognizing Regulatory, Legislative, & Reference Authority	Pg. 32-33	
2. Community Engagement & the Current Structure	Pg. 33-34	
3. Determining Impact Area	Pg. 34-35	
4. Identifying Available Personnel	Pg. 36-37	
5. Determining Time Frames	Pg. 37	
6. Establishing a Substantial Improvement/ Substantial Damage Determination Process & Methodology	Pg. 38-39	
7. Communicating Damage to Partners	Pg. 39-40	
8. Communicating Substantial Improvement/		



## San Jacinto County-Regulations for Subdivisions & Development

Substantial Damage Information to Structure Owners	Pg. 40-41	
9. Monitoring & Reintegration	Pg. 41	
<b>Certification of Adoption</b>	Pg. 41-42	Amended 11.14.17
<b>Copy of Signed Amended Court Order</b>		
<b>Letter from FEMA</b>		

### **Appendix 4 - Survey and Infrastructure Requirements for Manufactured Home Rental Communities**

Preamble	Pg. 1
Section 1- Definition of Affected Developments	Pg. 2
Section 2- Construction Start	Pg. 2
Section 3- Utility Hook Ups	Pg. 2
Section 4- Final Survey & Infrastructure Development Plans Required	Pg. 2-6
Section 5- Final Survey & IDP Approval	Pg. 6
Section 6- Inspection & Confirmation	Pg. 6-7
Section 7- Review Fees	Pg. 7
Section 8- Severability	Pg. 7

### **Appendix 5 – Infrastructure Standards for Manufactured Home Parks**

PREAMBLE	Pg. 1
A. Definitions	Pg. 1
B. Infrastructure Plan Required	Pg. 2
C. Fees	Pg. 2
D. Required Content of Infrastructure Plan	Pg. 3
E. Site Design and Development Standards	Pg. 3-5
F. Potable Water Supply	Pg. 5
G. Water Distribution System	Pg. 5-6
H. Sewage Disposal	Pg. 6
I. Electrical Wiring and Power Lines	Pg. 6
J. Health and Safety Standards	Pg. 6
K. Fuel Supply and Storage	Pg. 7
L. Manufactured Home Location and Installation	Pg. 7
M. Manufactured Home Subdivisions	Pg. 7
N. License Required to Operate a Manufactured Home Park	Pg. 7
O. Enforcement	Pg. 7-8
P. Infrastructure Standards for Recreational Vehicles (RV) or Other Readily Fabricated Dwelling(s) Park	Pg. 8

### **Appendix 6-TCEQ Letters**

Letter to TCEQ	Pg. 1
Letter from TCEQ	Pg. 2-3
OSSF Order	Pg. 4-7
TNRCC Chapter 285 – On-Site Sewage Facilities	Pg. 8-10

## San Jacinto County-Regulations for Subdivisions & Development

Affidavit

Pg. 11

### **Appendix 7- Forms**

Subdivision Application

Pg. 7-1

Utility Checklist

Pg. 7-2

Preliminary Plat Checklist

Pg. 7-3, 7-4

Final Plat Checklist

Pg. 7-5, 7-6

Infrastructure Development Plan & Final Survey Application

Pg. 7-7

Infrastructure Development Plan Checklist

Pg. 7-8, 7-9, 7-10

Final Survey Checklist

Pg. 7-11, 7-12

## SECTION 1

### DEFINITIONS

All capitalized terms used in these Regulations shall have the meaning ascribed to them in this section, unless no definition is found in this section, in which case the meaning should be drawn by the context and common English usage.

- 1.1 **Applicant**-An owner or Authorized representative seeking approval of a proposed Subdivision pursuant to these Regulations.
- 1.2 **Checklist, Preliminary Plat**-An itemization of requirements that must be met for Preliminary Plat review. These requirements are more fully outlined in Section 4 of this policy. On-Site Sewage Facility (OSSF) and Engineer signature required prior to approval.
- 1.3 **Checklist, Final Plat**-An itemization of requirements that must be met for the Final Plat Review. These requirements are more fully outlined in Section 5 of this policy. OSSF and Engineer signature required prior to approval.
- 1.4 **Commissioners' Court**-The Commissioners' Court of San Jacinto County.
- 1.5 **County-San Jacinto County**, a political subdivision of the State of Texas.
- 1.6 **County Clerk**-The County Clerk of San Jacinto County.
- 1.7 **Designated Agent**-A County employee, County department, or contracted outside consultant designated to perform certain duties laid out in the Subdivision and Development Regulations or the Road and Drainage Specifications, its associated Annex's and Appendices on behalf of the County. SEE Appendix 3; Article 4; Section A; for Floodplain Administrator appointment.
- 1.8 **Precinct Commissioner**-The elected County Commissioner in whose Precinct the Subdivision or development project is proposed.
- 1.9 **Flag Lot**-A Flag Lot is a lot designed to provide a minimum avenue of road access while allowing other lots to be stacked around it, so that the result is a lot which is often shaped something like a flag, with a "flag pole" of access stretching out to the nearest road-and other "flag poles" adjacent, leading to more "flag lots."
- 1.10 **Final Plat**-A map of a proposed Subdivision of land prepared in a form suitable for filing of record with all necessary survey drawings, notes, information, affidavits, dedications and acceptances as required by these Regulations.

## San Jacinto County-Regulations for Subdivisions & Development

- 1.11 **Finished Floor Elevation**-Two feet above the Basic Flood Elevation (BFE) shown on the Flood Insurance Rate Map (FIRM) that indicates the water surface elevation resulting from a flood that has a one percent (1%) chance of equaling or exceeding that level in any given year.
- 1.12 **Lot**-Any tract to be created by the division of the Original Tract pursuant to the proposed Subdivision application, including the remainder of the Original Tract.
- 1.13 **NVGD 83 Datum**-National Geodetic Vertical Datum dated 1983.
- 1.14 **Original Tract**-The parcel of land owned by an Owner prior to the proposed Subdivision of this parcel.
- 1.15 **Owner**-The owner of real property subject to a proposed or existing Subdivision.
- 1.16 **Permitted Street**-A street that meets the requirements of San Jacinto County under these Regulations.
- 1.17 **Preliminary Plat**-A map of a proposed Subdivision of land showing the general dimensions and boundaries of each Lot, Topography, Floodplain, the layout of proposed streets, drainage improvements, utility infrastructure, any easements, and other information required by the Regulations. The Preliminary Plat shall show the entire tract of land being proposed for development, including—contiguous land owned by the same part, even when the project is planned for multiple phase development.
- 1.18 **Record Plat**-A Final Plat that has been approved by the Commissioners' Court and is prepared by the Applicant for recordation in the Plat Records of San Jacinto County.
- 1.19 **Rules**-The San Jacinto County Subdivision and Development Rules.
- 1.20 **Serve**-To provide a formal copy or application, such as a proposed Subdivision Plat or Subdivision Application, and to obtain a receipt for its delivery. For example, a completed copy of the Preliminary Checklist must be Served to the County Judge and the Precinct Commissioner.
- 1.21 **Subdivision**-The required platting of a track of land located within San Jacinto County outside the corporate limits of a municipality into two or more parcels to lay out: (1) a subdivision of the tract, including an addition; (2) lots; or (3) streets, alleys, squares, parks, or other parts. Subdivision of a tract includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for deed, by using a contract for sale, rental or other executory contract to convey, or by using any other method.

San Jacinto County-Regulations for Subdivisions & Development

(a) Because County review of subdivision and development activity can be important to many aspects of public health and safety-such as drainage and flood control, 9-1-1 addressing, septic tank sizing and road planning, among others-it is the intent of the Commissioners' Court of San Jacinto County that the term "subdivision" be interpreted to include all divisions of land to the fullest extent permitted under the laws of the State of Texas, except where specific exceptions may be noted in the rules. The placement/replacement of a Manufactured Home or Recreational Vehicle (for more than 180 days) does constitute as development.

1.22 **Non-Floodplain Structure**-Anything constructed or erected with a fixed location on the ground. Among other things, structures include buildings, mobile homes ('manufactured homes'), walls, fences, billboards, and poster panels. Structure in the context of construction or housing a building, bridge, framework, or other object that has been put together from different parts. Unless it is apparent from the context that another meaning is intended, the word "building" shall be deemed to include in its meaning the word "structure" and the words "building" and "structure" shall have the following meaning: Any construction, the arrangement of which may affect the health, safety or general welfare of man or animals.

1.23 **Drainage/Utilities Easements**-All Re-Plats for new development or variance will require at least a 5 ft. drainage easement and building set back on all property lines.

## SECTION 2

### GENERAL SUBDIVISION REQUIREMENTS

- 2.1 **General Requirements**-Any Applicant who subdivides a tract of land shall: Comply in all respects with these Regulations; and
- 2.1.1 Prepare and submit to the Commissioners' Court an application for approval of the proposed Subdivision in accordance with the terms and procedures set forth in these regulations.
- 2.2 **Subdivision Approval Process**-No Subdivision shall be permitted until the Applicant has satisfied each of the following steps in the order indicated:
- 2.2.1 Submitted a completed Preliminary Checklist with the County Clerk.
- 2.2.2 Served a copy of the completed Preliminary Checklist to both the County Judge and the Precinct Commissioner.
- 2.2.3 Obtained approval of Preliminary Plat by the Commissioners' Court.
- 2.2.4 Submitted a completed and dated Final Checklist with the County Clerk.
- 2.2.5 Served a copy of the completed Final Checklist to both the County Judge and the Precinct Commissioner.
- 2.2.6 Obtained approval of Final Plat by the Commissioners' Court.
- 2.2.7 Filing of Record Plat with the County Clerk, to be recorded in the Plat Records of the County.
- 2.3 **Transmittal Materials**-All submittals to the Commissioners' Court pursuant to these Regulations, including amendments or supplemental materials, shall be delivered to the County Clerk's office and shall be accompanied by a letter of transmittal indicating:
- 2.3.1 The name, address, and phone number of the Owner and, if different, the developer or applicant;
- 2.3.2 The name, address and phone number of any person submitting the materials on behalf of the Owner;
- 2.3.3 The name of the proposed Subdivision;
- 2.3.4 The size and location of the Original Tract or, if a reference number has previously been assigned, the reference number of the Subdivision application; and
- 2.3.5 A detailed description of the requested actions.

- 2.4 **Communication with Precinct Commissioner**-The Applicant is strongly recommended to contact the Precinct Commissioner prior to the submittal of the Preliminary Plat Checklist.
- 2.5 **Application Materials**-Each application for Preliminary Plat or Final Plat shall include the following:
- 2.5.1 Eight 24" x 36" blue-line or black-line copies of the Preliminary Plat or twelve 24" x 36" blue-line or black-line copies of the Final Plat and an electric copy of the Final Plat provided that the County may require up to four additional copies of the Preliminary Plat,
  - 2.5.2 The applicable application fee,
  - 2.5.3 A tax certificate showing that all taxes currently due with respect to the Original Tract have been paid,
  - 2.5.4 A letter from the San Jacinto County 911 Addressing Department approving the proposed street names on the plat,
  - 2.5.5 A completed Utility Checklist and required letters from utility providers,
  - 2.5.6 A completed application form in the current form promulgated by the County, and
  - 2.5.7 All other documents or reports required pursuant to the Regulations and any associated Construction Security.
- 2.6 **Record Plat**-Two duplicate 24" x 36" photographic mylars of the approved Final Plat with any revisions required by the Commissioners' Court shall be presented to the County Clerk for recording as the Record Plat. All text on the Record Plat must be no smaller than 0.09" in height for legibility.
- 2.7 **Application Review Periods**-The County will meet the review deadlines established by Chapter 232.0025 of the Texas Local Government Code.
- 2.8 **Application Fees**-Upon filing the Preliminary plat Application, the Applicant shall pay a plat application fee in the amount of \$350 plus \$25 per Lot for the first 100 Lots, and \$15 per Lot for each Lot over 100 Lots; plus the actual cost for any outside technical review firm hired by the County for the purpose of reviewing road and drainage plans, floodplain information, construction inspection or other special considerations. Upon request estimates for outside review services will be made available to Applicant.
- 2.9 **Subdivisions within ETJ of a City**-Whenever an Original Tract lies within the extraterritorial jurisdiction of an incorporated city, it may be subject to the rules of both

the City and the County. San Jacinto County will seek to work with cities to coordinate the Subdivision and land development requirements to make this process as manageable as possible. Applicants should contact the city or the County Judge's office to determine which set of rules and approval procedures apply to them, but generally the Applicant should obtain the approval of the municipality before obtaining final review by the County. As required by the Texas Property Code, The County Clerk may not accept a Record plat for recordation unless it has been approved by the County and, with respect to the municipality; it has either been approved or exempted from the city subdivision regulations. The County Clerk may require written proof of exemption from a city's Subdivision authority to be filed with the Record Plat. In the event the land is subject to both city subdivision regulations and these Subdivision regulations then the stricter standard shall apply and may be enforced by either the city or the County or both. The Applicant bears the burden of establishing to the Commissioners' Court that no city subdivision approval is required.

2.10 **Wastewater & Development Permits**

- a) The County shall issue no On-Site Sewage Facility permit on any parcel of land subdivided after June 19, 2000, unless that property has been properly subdivided in accordance with these Regulations and the San Jacinto County On-Site Sewage Facility Rules or is exempt from subdivision under state law.
  
- a) The County may issue permits (and can be subject to Commissioners' Court review) for Development as defined in the following ways:
  - i. Changes to Land (filling, grading, paving, excavation, mining, dredging, drilling, channel modifications, alteration of drainage routes).
  - ii. One-family and two-family dwellings, townhomes.
  - iii. Buildings and structures (including tanks, towers, and one-family and two-family dwellings in floodways).
  - iv. Temporary structures and temporary storage.
  - v. Buildings that are accessory in character, miscellaneous structures, and structures that are not buildings (fences, retaining walls, etc.)
  - vi. Site related public/private utilities (sewage disposal, water supply).
  - vii. Existing Buildings and structures (additions, alterations, repairs, rehabilitations).
  - viii. Other water sources infrastructure (dams, ponds, levees, floodwalls). Other State or Federal permits may be required.
  - ix. Placement/replacement of manufactured homes or recreational vehicles after 180 days of constant positioning.



## SECTION 3

### EXEMPTIONS

3.1 **Exempted Subdivisions**-The following Subdivisions shall be exempt from Section 2.2 and shall not be required to obtain plat approval under these Regulations:

3.1.1 The land is used primarily for agricultural use, as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management, or timber production use within the meaning of Section 1-d-1, Article VIII, Texas Constitution.

3.1.2 The land is being divided among close family members and no more than four Lots are being created for these family members. To qualify for the exemption, all of these lots must have adequate and existing road frontage, with no new streets, parks, alleys, or any other parts of the tract are intended to be dedicated to public use. Generally, to be considered having adequate road frontage to guarantee safe driveway spacing, sight distance, and reasonable maintenance of road and drainage areas, each Lot must have at Least 50 feet (50') of frontage. The County relies on the state's definition of what is close family under the exemption clause provided in the state law that governs county subdivision authority. Thus, close family is defined as a family member related within the third degree of consanguinity or affinity, in accordance with the Government Code, Chapter 573.023(c); an individual's relatives within the third degree by consanguinity are the individual's:

- (a) Parent or child (relatives in the first degree);
- (b) Brother, sister, grandparent, or grandchild (relatives in the second degree);
- (c) Great-grandparent, great-grandchild, aunt who is a sister of a parent of the individual, uncle who is a brother of a parent of the individual, nephew who is a child of a brother or sister of the individual (relatives in the third degree).

In accordance with the Government Code, Chapter 573.025(b), an individual's relatives within the third degree by affinity are the individual's:

- (a) Anyone related by consanguinity to the individual's spouse in one of the ways named in Chapter 573.023(c); and
- (b) The spouse of anyone related to the individual by consanguinity in one of the ways named in Chapter 573.023(c).

3.1.3 Any division of land in which all the Lots of the Subdivision are more than ten acres in

San Jacinto County-Regulations for Subdivisions & Development

area, and the Applicant does not lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use. To qualify for the exemption, each Lot must have direct physical access onto an existing public street or road, with adequate minimum Lot frontage to guarantee safe driveway spacing, sight distance, and reasonable maintenance of road and drainage areas. This minimum Lot frontage is generally considered to be at least 50 linear feet.

- 3.1.4 Any division of land in which all Lots of the Subdivision are sold to Veterans through the Veterans' Land Board Association; and no streets, alleys, squares, parks, or other parts of the tract are intended to be dedicated to public use. To qualify, each Lot must have direct physical access onto an existing public street or road, with adequate minimum Lot frontage to guarantee safe driveway spacing, sight distance, and reasonable maintenance of road and drainage areas. This minimum Lot frontage is generally considered to be 50 linear feet.
- 3.1.5 The State of Texas or any state agency, board, or commission or land owned by the permanent school fund or any other dedicated funds of the state shall be exempt unless laying out streets, alleys, squares, parks, or other parts.
- 3.1.6 The owner of the tract of land is a political subdivision of the state, the land is situated in a flood plain, and the Lots are sold to adjoining landowners.
- 3.1.7 The Applicant is creating two tracts, one to be retained by the owner and the other to be transferred to another person who will further subdivide that tract subject to the plat approval requirements of these Regulations. To qualify for this exemption, the Applicant may not lay out streets, alleys, squares, parks or other parts of the tract intended to be for the use of the public or the common use of Lot or tract owners.
- 3.1.8 The Applicant does not lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of Lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts, and all parts are transferred to persons who owned an undivided interest in the original tract and a plat is filed before any further development of any part of the tract.

## SECTION 4

### PRELIMINARY PLAT

4.1 **Information**-The Preliminary Plat Checklist is available at the County Clerk's office. Before an application for Preliminary Plat is considered for filing, the Applicant must return all items summarized on the checklist to the County Clerk's office and have the application dated by the Clerk. A digital copy of the plat is required for submission as specified in the Preliminary Plat Checklist. The Commissioners Court will act on the Preliminary Plat within sixty (60) days from the date the complete application is file with the Clerk. The County will notify applicants in writing within ten (10) business days of the filing if the Checklist application is flawed or incomplete, in which case applicants must file a new, completed Checklist. Proposed Preliminary Plats shall include the following:

#### 4.1.1 General Information

- (a) Name of the proposed Subdivision, which shall not be the same or substantially similar to any other Subdivision within the County unless the Subdivision is an extension of pre-existing, contiguous Subdivision.
- (b) The boundary lines and total acreage of the Original Tract and the Subdivision.
- (c) A note stating the total number of Lots within the proposed Subdivision and the minimum size of Lots.
- (d) Acreage and dimensions of each Lot, accurate to one-hundredth of an acre. When calculating the acreage of any Lot the gross square footage within the Lot shall be used, provided any area within a public right of way shall be excluded.
- (e) Existing contours shall be shown at five-foot, two-foot, or one-foot intervals according to Section 2.3.5(g) of the Road & Drainage Standards.
- (f) The location and acreage of any proposed parks, squares, greenbelts, schools or other public use facilities.
- (g) Names of adjoining Subdivisions or owners of property contiguous to the proposed Subdivision.
- (h) Name, address and phone number of the Surveyor and/or Engineer.

- (i) Name, address and phone number of the Owner, and developer or Applicant if not the Owner.
- (j) A vicinity map showing general location of Subdivision in relation to major roads, towns, cities or topographic features.
- (k) North arrow, scale and date. The scale shall be 1" =200'.
- (l) Boundary lines of any incorporated city and the limit of the 1 extraterritorial jurisdiction of any city.
- (m) The location of school district boundaries and a statement clearly indicating in which school district(s) the Subdivision is located. In the event any Lot lies within more than one school district, then the plat shall clearly state the number of acres within the Lot that lies within each school district.
- (n) The location of all taxing district boundaries and a statement clearly indicating in which district(s) the subdivision is located. In the event any lot lies within more than one taxing district, then the Plat shall clearly state the number of acres within the Lot that lies within each taxing district.
- (o) Each sheet must be numbered consecutively, sheet  $x$  of  $y$ .
- (p) Note the usage of each Lot as single family or other.

#### 4.1.2 **Floodplain and Drainage Information**

- (a) Elevation contours at no less detail than one-foot intervals, based on NGVD 83 Datum.
- (b) All Special Flood Hazard Areas identified by the most current Flood Insurance Rate Maps published by the Federal Emergency Management Agency (FEMA). (Any development within such areas will require special permitting.)
- (c) For each Lot containing the 100-year floodplain and regulatory floodway, if any. If base flood elevations have not already been established, a Registered Professional Engineer shall establish the elevations.
- (d) For each Lot containing the 100-year floodplain, a minimum two-foot (2') above the floodplain for the Finished Floor Elevation must be provided for on the plat, and development less than two-foot (2') above the Finished Floor Elevation shall be prohibited unless special provisions are incorporated.

- (e) For each Subdivision containing the 100-year floodplain, at least one benchmark showing NGVD 83 Datum elevation, as well as latitude and longitude.
- (f) A drainage plan depicting the anticipated flow of all drainage onto and from the Subdivision and showing all major drainage and topographic features on or adjacent to the property including all water courses, 100-year floodplain boundaries, floodway boundaries, ravines, swales, ditches, bridges and culverts.
- (g) The location and size of all proposed drainage structures, including on-site retention and/or detention ponds and easements and the impact of Lot and street layouts on drainage.
- (h) Depiction of all streams, rivers, ponds, lakes, and other surface water features.

#### **4.1.3 Street and Right-of-Way Information**

- (a) Location, length and right-of-way widths of all proposed streets and a depiction of how all proposed streets shall connect with previously dedicated, platted or planned streets within the vicinity of the Subdivision.
- (b) Location, size and proposed uses of all proposed access easements, if any.
- (c) Proposed location of all depth gauges at all road crossings where the 100-year frequency flow or lesser frequency storm event is anticipated to flow over the road surface and any proposed gates or warning devices. Note: The Commissioners' Court may require gates or warning devices at such locations.

#### **4.1.4 Water, Wastewater and Utilities Information**

- (a) Designation of the entity supplying each of the following: electric, Phone and gas utilities to Lots, or a statement that such utility is not available.
- (b) The location of all proposed utility easements and/or infrastructure, including water well sanitary easements, if applicable.

- (c) Designation of the water and sewer utility provider for the Subdivision, and the source of the water intended to serve each Lot within the subdivided area.
- (d) Certification that all Lots have been designed in compliance with the Rules of San Jacinto County for On-Site Sewage Facilities, together with a Facility Planning Report for On-Site Sewage as provided for in Chapter 285 in the Texas Health and Safety Code.

- 4.2 **Street Design**-A proposed Preliminary Plat shall contain a written certification from a Registered Professional Engineer that the location and dimensions of streets as set forth and laid out on the Preliminary Plat are in accordance with these Regulations.
- 4.3 **Drainage**-A proposed Preliminary Plat shall contain a written certification from a Registered Professional Engineer stating that the location and approximate sizes of the drainage structure(s) set forth in the Preliminary Plat are in accordance with the County's Road and Drainage Specifications.
- 4.4 **On-Site Sewage Rules**-A proposed Preliminary Plat shall satisfy the requirements of the Rules of San Jacinto County for On-Site Sewage Systems.
- 4.5 **Approval of Preliminary Plat**-The Commissioners' Court shall approve a Preliminary Plat if it satisfies each of the requirements set forth in Section 4 and all provisions of these Regulations.
- 4.6 **No Conveyance of Lots**-Conveyance of Lots depicted on a Preliminary Plat shall not be permitted until the Final Plat has been approved and the Record Plat filed with the County Clerk.
- 4.7 **Expiration**-Approval of a Preliminary Plat shall expire and be no further force and effect in the event a Final Plat for a portion of the Subdivision is not filed within twelve (12) months following the date of the Commissioners' Court of the Preliminary Plat.

## SECTION 5

### FINAL PLAT

5.1 **Information**-The Final Plat Checklist is available at the County Clerk's office. Before an application for a Final Plat is considered for filing, the Applicant must return all items summarized on the checklist to the County Clerk's office and have the application dated by the Clerk. A digital copy of the Final Plat is required for submission as specified in the Final Plat Checklist. The Commissioners Court will act on the Final plat within sixty (60) days from the date the completed checklist is filed with the Clerk. The County will notify applicants in writing within ten (10) business days of the filing if the checklist application is flawed or incomplete, in which case applicants must file a new, completed Final Plat Checklist. Proposed Final Plats shall comply with the requirements of the approved Preliminary Plat and shall include the following:

#### 5.1.1 General Information

- (a) Bearings and dimensions of the boundary of the Subdivision and all Lots, streets, parks, greenbelts, easements, or reserves. Dimensions shall be shown to the nearest one-hundredth of a foot (0.01') and bearings shall be shown to the nearest one second of an angle (01"). The length of the radius and arc length of all curves, with bearings and distances of all chords, shall be clearly indicated.
- (b) Description of monumentation used to mark all boundaries, Lot and block corners, and all points of curvature and tangency on street rights-of-way.
- (c) Location of original survey line. The Subdivision shall be located with respect to an original corner of the original survey of which it is part.
- (d) Lot and block numbers for each Lot.
- (e) Acreage of all Lots calculated to the nearest one-hundredth of an acre.
- (f) Each sheet must be numbered consecutively, sheet x of y.
- (g) A vicinity map showing general location of Subdivision in relation to major roads, towns, cities or topographic features.

#### 5.1.2 Flood Plain and drainage Information

- (a) For Subdivisions containing the 100-year Floodplain, benchmarks, and finished floor elevations of each Lot in accordance with the San Jacinto County Flood Damage Prevention Ordinance.
- (b) For each Subdivision containing the 100-year floodplain, at least one monument containing latitude and longitude and NVGD 83 datum coordinates.
- (c) For each Lot containing the 100-year floodplain, a minimum one-foot (1') above the floodplain for the Finished Floor Elevation must be provided for on the plat, and development less than one foot (1') above the Finished Floor Elevation shall be prohibited

#### **5.1.3 Street and Right-of-Way (ROW) Information**

- (a) Total length of all streets, to the nearest one-tenth mile.
- (b) Total area of all rights-of-way to be dedicated to the public to the nearest hundredth of an acre.
- (c) The minimum driveway culvert size for each Lot, as determined in accordance with good engineering and construction practices.

#### **5.1.4 Water, Wastewater and Utilities Information**

- (a) For each Lot not served by an approved public sewer system, the location of a viable percolation area for septic tanks and proposed well sites, if any.
- (b) The following statement should appear prominently on the Final Plat: "No structure in this Subdivision shall be occupied until connected to an individual water supply, state-approved community water system, or engineered rainwater collection system."
- (c) The following statement shall appear prominently on the Final Plat: "No structure in this Subdivision shall be occupied until connected to a public sewer system or to an on-site sewage facility that has been approved and permitted by San Jacinto County."
- (d) Other Plat Notes and Certifications as referred to in Appendix.



5.2 **Additional Requirements for Streets**

- 5.2.1 Construction Plans for all streets and drainage improvements within the Subdivision and signage plans for all streets in accordance with the San Jacinto Road and Drainage Standards and Specifications.
- 5.2.2 A certification under the seal of a Texas Registered Professional Engineer that the Construction Plans and pavement designs are in compliance with these Regulations.
- 5.2.3 The total estimated construction cost of all of the streets and drainage improvements proposed for construction within the Subdivision.
- 5.2.4 Streets are to be constructed after recording the Record Plat. Construction and Maintenance Fiscal Security to be posted per the requirements of Section 7.3.

5.3 **Standard for Approval**-The Commissioners Court shall approve a Final Plat for recording as the Record Plat if it satisfies each of the requirements set forth in these Regulations.

5.4 **Approval of a Final Plat**-Approval of a Final Plat shall not authorize any construction or development activities but merely authorize the Applicant to proceed with the Record Plat.

5.5 **Record Plat**-Upon approval of the Final Plat by Commissioners Court, the Applicant shall prepare a Record Plat for recordation in the San Jacinto County Plat Records in accordance with these Regulations. The Record Plat must be recorded within twelve (12) months of the approval of the Final Plat.

## SECTION 6

### STREET DESIGN AND CONSTRUCTION

- 6.1 **Permitted Streets**-All streets shall be constructed in accordance with these Regulations and the accompanying Road and Drainage Specifications. Streets shall be paved and dedicated to the public in all Subdivisions. Private streets are not allowed unless expressly provided by a grant of variance from the Commissioners Court.
- 6.2 **Dedication to Public**-Any dedication to the public shall be accomplished either by deed conveying a fee, simple interest or by a dedication on the plat conveying a perpetual right-of-way easement in the property to the County for public use. No dedication shall be effective until the Record Plat is recorded. In no event shall any private Lot extend into a dedicated roadway.
- 6.3 **Design of Public Improvements**-All improvements shall be designed and installed so as to provide, to the maximum extent feasible, a logical system of utilities, drainage and streets and to permit continuity of improvements to adjacent properties. This classification and construction standards for all streets shall be determined according to the Road and Drainage Specifications for San Jacinto County.
- 6.4 **Flag Lots**-As provided for in Chapter 251 of the Texas Transportation Code and in other state laws, the County has the general authority and responsibility for road and drainage maintenance and safety. Minimum driveway spacing is one critical component of both public safety and effective road drainage maintenance where County equipment must operate in barrow ditches or along rural road shoulders. The Texas Association of Counties, working with professional engineers and planners, has reported on the problems created by Flag Lots in many counties in Texas-problems related to inadequate road and driveway access, shoulder maintenance, drainage maintenance, addressing, the delivery of emergency services, school bus routing, and the preservation of adequate sight distance for public safety. Therefore, Flag lots shall generally not be permitted, except if approved by Commissioners Court as consistent with the intent and spirit of these Regulations. The precinct Commissioner or Designated Agent shall advise the Commissioners Court if a proposed Lot Constitutes a "Flag Lot" and the Commissioners court shall, in reviewing all the circumstances, make the final determination, as part of the Subdivision process.
- 6.5 **Residential Driveways**-As noted in Section 6.4 above, adequate Lot and driveway spacing is important to road maintenance and safety. In order to ensure public safety on roads-the creation of Flag Lots that might pose a threat to the public safety and welfare,

the County imposes minimum lot frontage requirements to ensure adequate driveway spacing for various types of County roads. For the purposes of this Section only, any County road that is not a Neighborhood Subdivision Street is considered a County Feeder Road. Neighborhood Subdivision Streets under this Section are considered to be roads created as part of the Subdivision process and intended to service only those Lots within a particular Subdivision, or serving other Subdivisions such that the road does not provide service to more than 100 Lots. A Neighborhood Subdivision Street must connect to a state or federal highway, or to a County Feeder Road. A road which connects two Subdivisions of greater than 100 Lots, or which provides throughway access to another community or area in the County is not considered a Neighborhood Subdivision Street (and thus is considered a County Feeder Road).

6.5.1 Minimum Lot Frontage on County Feeder Roads (and recommended frontage for all state roads in the County)-150 feet. This is a general standard; however, the Commissioners Court may allow more closely spaced Lots, and thus more densely packed driveways, if an Applicant demonstrates to the Commissioners Court that its Subdivision layout is prepared according to generally accepted professional planning and engineering principles, with adequate provisions for safety and infrastructure development. An Applicant requesting minimum Lot frontage of less than the 150-foot standard on a County Feeder must demonstrate to the Commissioners Court how his or her application meets the spirit of section 6.4, the prohibition on Flag Lots.

6.5.2 Minimum Lot Frontage on Neighborhood Subdivision Streets-50 feet, or 25 feet at the bulb of a cul-de-sac.

6.6 **Permit Required for Construction in Right-of-Way**-No driveway or utility construction, mailboxes, landscaping or any other encroachment into public right-of-way or easements shall be allowed without first obtaining permission from the County.

## SECTION 7

### ACCEPTANCE OF ROAD MAINTENANCE AND DEVELOPMENT PERMITS

- 7.1 **Applicant's Maintenance Responsibility**-The Applicant shall remain responsible for all maintenance and repair of streets within a Subdivision until the Commissioners Court, by formal written action or Minute Order, accepts the obligation to maintain and repair such roads. The decision of the Commissioners Court to approve a Final Plat, the recording of the Record Plat, or dedication of the right-of-way for a street shall not be deemed to constitute acceptance of the streets for maintenance.
- 7.2 **Construction Security**- This section applies if the Applicant desires to file a Final Plat prior to completion of construction of all streets and inspection by the Precinct Commissioner or Designated Agent. The Applicant shall continue to be responsible for all other requirements set forth in section 7.1 above.
- 7.2.1 With the permission of the Commissioners Court, the Applicant shall post a Construction Security in the form of cash, surety bond or irrevocable letter of credit in an amount equal to 100% of the estimated construction costs of the streets and roads. The Commissioners Court must individually approve each application to post such Construction Security and the Construction Security shall remain in effect until the streets and roads and all associated drainage improvements have been accepted by the County For maintenance, at which time the Applicant shall post a Maintenance Security, pursuant to Section 7.1 above. Sample Construction Security forms are provided in Appendix 2. The County shall be given a sixty (60) day Notice of Cancellation prior to the termination or end of the Security coverage period.
- 7.2.2 Before release of the Construction Security, the Precinct Commissioner or Designated Agent shall inspect the roads and the Applicant shall remedy all deficiencies. If the deficiencies are not properly remedied, the County shall draw on the Security to make the necessary repairs.
- 7.2.3 Collection on security and the prosecution of construction to complete the improvements to the extent possible with the resulting funds is not acceptance of the improvements for maintenance. The County is not a Subdivision developer and, if it undertakes the performance of such construction through a third-party contractor, The County is acting as a third-party trustee for the public and the contractor shall be liable for all costs incurred by the county in excess of the surety amount, if any.

7.2.4 The Applicant has delivered a letter to the County agreeing to perform the testing and inspections specified in 7.3.3.

7.3 **County Acceptance of Maintenance**-The County shall accept a road or street for maintenance when the conditions stipulated herein have been satisfied:

- (a) The road subbase, base and wearing surface treatment(s) have been installed and item 7.3.5 and 7.3.5(a) requirements have been met or
- (b) The roadway subbase and base were previously constructed, the surface of the base material was recently refinished and the final wearing surface treatment(s) have been recently installed and item 7.3.6 and 7.3.6(a) requirements have been met.

7.3.1 The street, drainage structures and right-of-way has been constructed or completed in accordance with these Regulations and the County Road and Drainage Specifications, the Record Plat for the road or street has been recorded and the associated right-of-way has been dedicated to the public pursuant to these Regulations.

7.3.2 The Applicant has submitted a written request to the County. If the Applicant is no longer available, i.e. has ceased to transact any business or, in the case of an individual, has died, any person owning property with the frontage or access onto the street may submit the written request.

7.3.3 The San Jacinto County Precinct Commissioner or Designated Agent has approved all required inspections and tests at the completion of each phase of construction of the street, including plasticity index, sub-base and base, tests for compacted density, depth of base and distribution of asphalt (it is the responsibility of the Applicant to coordinate all inspections and laboratory tests with the San Jacinto County Precinct Commissioner or Designated Agent and not to proceed with construction until proper inspections and tests have been obtained). Any laboratory tests and test holes shall be at the expense of the Applicant. In no event will any base be placed on the street until the Precinct Commissioner or Designated Agent has approved the subgrade.

7.3.4 The San Jacinto County Precinct Commissioner or Designated Agent has inspected the street no earlier than thirty (30) days prior to the acceptance for maintenance by Commissioners Court and has submitted to the Commissioners Court an Inspection Report stating that:

## San Jacinto County-Regulations for Subdivisions & Development

- (a) The street, its current condition and with no repairs, upgrades or improvements, appears to be in compliance with the Regulations and all other guidelines in effect at the time of the inspection.
- (b) All requirements regarding construction of drainage structures and driveway drainpipes have been satisfied; and
- (c) The Precinct Commissioner or designated Agent recommends acceptance of the street by the Commissioners Court

7.3.5 The Applicant has posted with the County a maintenance security in the form of cash, surety bond or irrevocable letter of credit to secure the proper maintenance of the roads prior to County acceptance thereof in an amount equal to 20% of the construction costs of the streets for a term of two (2) years following acceptance by the County. Before release of the Maintenance Security, the Precinct Commissioner or Designated Agent, shall again inspect the roads or streets and the Applicant shall remedy all deficiencies prior to release of the Maintenance Security. If the deficiencies are not promptly remedied, the County shall make the repairs and draw on the Maintenance Security for payment. Sample Maintenance Security forms are provided in the Appendix 2.

- (a) Warranty: The Paving Contractor shall provide a written warranty, addressed to the county of San Jacinto, and directed the Precinct Commissioner following the installation of the roadway wearing surface. Said warranty shall generally cover all failures due to defects in materials, workmanship, or improper installation methods and shall extend for a period of one (1) year from the date of acceptance by the Precinct Commissioner. Said warranty shall specifically cover the delamination of the wearing courses from the flexible base and the delamination of the wearing courses from each other (Two Course Treatment) due to improper installation. Said warranty shall not cover failures due to excessive traffic loads or structural failures of the flexible base or sub grade.

7.4 **Installation of Utility Lines**-All utility lines planned for construction under a paved street shall be installed before the street is paved. All utility lines installed under an existing paved street shall be bored to a point of at least four feet (4') beyond the edge of pavement and must be approved in advance by the Precinct Commissioner or designated Agent, unless otherwise approved by the Commissioners Court.

7.4.1 Because the location of utility lines in County right-of-way of beneath public streets may affect future road construction, re-construction, and on-going maintenance, the County reserves the right to dictate the reasonable placement of

utility lines where those lines encroach upon County right-of-way or other County property.

- (a) Applicants shall consult with the precinct Commissioner or his/her Designated Agent, who shall determine on a case-by-case basis whether it is appropriate to allow utility placement running parallel beneath a Permitted Street or in a County right-of-way.
- (b) If Applicant disagrees with the ruling of the Precinct Commissioner or his/her Designated Agent, Applicant may appeal to the Commissioners Court, which shall make a final ruling by resolution.
- (c) As part of the approval process, the Applicant shall make certain that all relevant plat notes and drawings for Final Plat submittal, as well as any construction documents submitted to the County, shall conform to the utility placement dictated by the County.
- (d) When allowed, construction on County right-of-way or easements must be on the back slope of the ditch with a minimum cover of forty-eight inches (48"). A lesser cover amount must be approved by the Precinct Commissioner.
- (e) The Precinct Commissioner should be notified 48 hours before utility work is commenced in a County right-of-way or easement.

7.4.2 Wastewater & Development Permits: Utility line (including fiber) under County Roads or within the easements of the County shall be Permitted. The County may waive the fees on the Utility Company (and/or their contractor), but the Application and associated Engineering Data will be required. Installation of the added utility line shall be installed in accordance with this Section.

7.4.3 Road Borings: Unless otherwise approved by the Commissioner, utility lines under roads shall be bored and/or cased. Road bore casing pipe can be steel, HDPE, or PVC, it must be suitably strong to support the road above, and it must be suitably sized to allow for the utility line size. Boring contractors must adhere to County, State, and Federal regulations for work and disposal. Contractors will comply with the Texas Manual of Uniform Traffic control and will leave the site in as good or better condition.

**SECTION 8**

**WATER AND WASTEWATER STANDARDS**

8.1 **Compliance with On-Site Sewage Rules**- All Lots must be designed in compliance with the san Jacinto County On-Site Sewage Facilities Rules.

8.2 **Fire Protection**-In any Subdivision containing fifteen (15) or more Lots that are not served by a public water supply system meeting the current Insurance Services Office (ISO) Fire Suppression Rating Schedule standards adopted by the Office of the State Fire Marshall, the developer shall provide firefighting facilities. For purposes of these Regulations, firefighting facilities are defined as permanent water storage facilities for firefighting.

- (1) Each firefighting facility shall provide a minimum 10,000 gallons of water storage with permanent provisions for refilling the total water storage volume within seventy-two (72) hours.
- (2) Firefighting facilities shall have high-flow connections meeting ISO standards for refilling of firefighting vehicle water tanks by suction provided by vehicle-mounted pump.
- (3) The Precinct Commissioner may consult with an applicant, the project engineer, and area fire department officials concerning the design, specifications, and specific location of firefighting facilities.
- (4) Construction documents for firefighting facilities shall be submitted to the Commissioners Court with plans for subdivision street and drainage improvements
- (5) Firefighting facilities shall be provided according to the following table:

Number of Lots in Subdivision	Number of Firefighting Facilities Required
Less than 15	0
15-119	1
120-299	2
300-599	3
600 +	To be determined by the Commissioners Court

For purposes of this section, Number of Lots in Subdivision shall include all recorded lots in



## San Jacinto County-Regulations for Subdivisions & Development

contiguous phases of development contained within the same Preliminary Plat. Adjacent, but different Developments on the same County road or Feeder in which the total number of lots would impact these requirements may require special design considerations.

## SECTION 9

### DRAINAGE AND FLOOD CONTROL

- 9.1 **Storm Water Run-off**-Storm water run-off from any development may not be released onto neighboring property or into any County drainage ditch, swale, easement, culvert or other facility or any such drainage facility associated with an existing road, whether public or private, at a rate greater than run-off from the property in an undeveloped condition. Topographical or other potential drainage issues may require Dedicated Access Easements or other provisions.
- 9.2 **Conveyance of 100-Year Storm Frequency Flows**-Any drainage system shall be designed to convey all channelized or concentrated flows from a 100-year storm event within defined right-of-way or drainage easements, which shall not be narrower than twenty feet (20') in width.
- 9.3 **Completion of Drainage System Prior to Acceptance of Road Maintenance**-The County will except no streets for maintenance until all drainage structures, including culverts for all driveways constructed as of the acceptance date, have been both installed by the Applicant or occupant(s) of the Lot(s) and inspected and approved by the County.
- 9.4 **Maximum Headwater Elevation for Drainage Crossings for Neighborhood and Local Streets**-All neighborhood and local streets, culverts underneath roads, streets, and bridges shall be designed so that the storm water run-off from a 25-year storm event crossing such a street, road, or bridge shall not produce a headwater elevation at the pavement edge above the drainage structure. All drainage crossings of proposed streets and roadways shall be designed to convey a 25-year storm event and not more than six inches (6") of water over the road in a 100-year storm event. All roads and streets shall be designed and constructed to withstand the impact of storm water being impounded adjacent to and flowing over the road or street. Streets or roadways That traverse defined areas of the 100-year floodplain shall not increase the water surface level or change the floodplain limits.
- 9.4.1 A permanent depth gauge shall be placed at all road crossings where the 100-year frequency flow or lesser frequency is anticipated to flow over the road surface. The Commissioners Court may require Installation of gates or warning devices at all or some of such locations.

9.4.2 Maximum Headwater Elevation for Drainage Crossings for neighborhood and Local Streets-So that storm water run-off from a 100-year storm event crossing collector and arterial streets, roads, or bridges shall not produce a headwater elevation at the roadway greater than six inches above the roadway crown elevation.

This section (9.4) does not apply to residential driveway culverts.

9.5 **Water Impact Requirements for Pavement Design**-All roads and streets shall be designed and constructed to withstand the impact of water being impounded adjacent to and flowing over the road or street.

9.6 **Drainage Design Methodology**-Computations by a Texas Registered Professional Engineer to support all drainage designs shall be submitted to the Precinct Commissioner or Designated Agent for review. The methodologies shall be based upon commonly accepted engineering practices used within the area.

9.6.1 All computations of floodplains, culverts, channels, etc., shall be based on fully developed upstream conditions.

9.6.2 A drainage area of 64 acres or greater is required within a contributing watershed to create a "floodplain". For areas of flow with less than 64 acres of contributing area, no floodplain need be defined; however, a drainage easement must be dedicated for any concentrated flow.

9.6.3 By use of topographic contours, all known or identified instances of water "ponding" locations shall be shown on the subdivision development plans. "Ponding" may cause individual lot development flooding in the same manner as if the lot(s) were located within the floodplain. Consideration must be given to establishing a minimum Finished Floor Elevation on such lot(s) where "ponding" has been known to occur or is identified by topographic contours.

9.7 **Easements**

9.7.1 All floodway concentrated flows for the 100-year storm event shall be contained within a dedicated drainage easement or right-of-way of a minimum width of twenty feet (20') centered on the centerline of the channel.

San Jacinto County-Regulations for Subdivisions & Development

9.7.2 No development whatsoever will be permitted in the floodway or within drainage easements.

9.8 **Request for Additional Materials**-If the Precinct Commissioner or Designated Agent reasonably believes, based on materials submitted, that the Preliminary Plat or Final Plat will not comply with this section then they may request drainage data or other additional material to evaluate the Preliminary Plat or Final Plat, in which event the applicable review period will be recalculated from the date such completed and additional materials are submitted.

## SECTION 10

### REVISION AND CANCELLATION

10.1 **Revision-** An Owner, Developer, or Applicant of an existing Lot(s) in a platted Subdivision may submit an application to revise the recorded subdivision by submitting the following to the County Clerk:

10.1.1 Revision Submittal Requirements:

- (a) Subdivision Application;
- (b) Ten copies of the proposed revised plat, conforming on all respects to the requirements of these Regulations; or, if submitted by a private homeowner who is not a developer in the Subdivision, other materials acceptable to the Precinct Commissioner or Designated Agent clearly setting forth the desired amendment;
- (c) A statement giving the reason for the proposed revision;
- (d) A filing fee equal to \$100.00, plus \$25.00 per affected Lot.

10.1.2 Review Period-The County will meet the review standards established by Section 232.009 of the Texas Local Government Code.

10.1.3 Public Notice-After the application is filed with the Commissioners Court, but before the application is considered by the Court, the Applicant shall file proof that the Applicant, at his/her expense, has delivered or published all notices required by Texas Local Government Code Section 232.009, including:

- (a) A notarized publisher's affidavit demonstrating publication of the application in a newspaper of general circulation in the County. The notice must include a statement of the time and place at which the court will meet to consider the application and hear protests to the revision of the plat. The notice must be published at least three times during the period that begins on the 30<sup>th</sup> day and ends on the 7<sup>th</sup> day before the date of the meeting; and
- (b) Except for plat revisions only combining existing tracts, the Applicant shall also provide proof that notice has been provided to each affected property owner by certified or registered mail, return receipt requested, at the affected property owner's address in the subdivided tract.

10.1.4 Criteria for Approval-The Commissioners Court may approve an application to revise a Subdivision upon a finding that:

- (a) The plat as revised conforms to the requirements of the Regulations, and one of the following has been satisfied:
  - i. The revision will not interfere with the established rights of any owner of a part of the subdivided land, or
  - ii. Each owner whose rights may be interfered with has agreed to the revision and signed a letter to the fact of their agreement.

10.1.5 Record Plat-Upon approval of the Revised Plat by Commissioners Court, the Applicant shall prepare a Record Plat for recordation in the San Jacinto County Plat Records in accordance with these Regulations. The Record Plat must be recorded within three (3) months of the approval of the Revised Plat or it will become void.

10.2 **Cancellation**-Any application to cancel an existing plat shall be submitted and considered in accordance with Section 232.008 of the Texas Local Government Code.

10.3 **Combination**-Where the Owner of two (2) or more platted Lots wishes to combine Lots and/or existing tracts, without creating new Lots, the Commissioners Court may allow conveyance of portions of one or more previously platted Lots by metes and bounds description without revising the plat in order to accomplish the combination. In this case, an Applicant should present the Precinct Commissioner or the County Judge with a letter of request describing the proposed combination of Lots, including the name and location of the subdivision and an approximate sketch or map of the intended combination. The Commissioners Court may grant the request by vote at a subsequent meeting of the Court, without publishing special notice. So long as the division and combination of lots in no way decreases the minimum lot size required by platted subdivision, or as determined by San Jacinto County minimum land area requirements for use of an on-site sewage filtration system.

## SECTION 11

### VARIANCES

- 11.1 **Criteria for Variance**-The Commissioners Court shall have the authority to grant variances from these Regulations, and from the Road and drainage Specifications, when the public interest or the requirements of justice demands relaxation of the strict requirements of the Regulations. Factors to be considered by the Court in evaluating a request for variance shall include:
- 11.1.1 The actual situation of the property in question in relation to neighboring or similar properties, such that no special privilege not enjoyed by other similarly situated properties may be granted;
  - 11.1.2 Whether strict enforcement of the Regulations would deny the Applicant the privileges or safety of similarly situated property with similarly timed development;
  - 11.1.3 That the granting of the variance will not be detrimental to the public health, safety & welfare, or injurious to other property or will not prevent the orderly Subdivision of the land in the area in accordance with these Regulations; and
  - 11.1.4 Whether there are special circumstances of conditions affecting the land or proposed development involved such that strict application of the provisions of these Regulations would deprive the applicant the reasonable use of this land and that failure to approve the variance would result in undue hardship to the applicant. Financial hardship, standing alone, shall not be deemed to constitute undue hardship.
- 11.2 **Application Materials**-Any person who wishes to receive a variance should apply to the County Clerk with a list of, and a written justification for each variance requested.
- 11.3 **Discretion to Grant Variances**-The decision of the Court whether to grant or deny a variance is at its complete discretion and will be final. A variance request to reduce the elevations determined as a result of a Certificate of Elevation, required in floodplain areas, shall not be granted as this could jeopardize NFIP participation and Flood Insurance Availability to the citizens of San Jacinto County. Reference Section 60.6(a)(5)(i)(ii) Federal Regulations. Maintain record of Variances 60.6(a)(6)(i) and Reports 60.6(a)(7).

## SECTION 12

### ENFORCEMENT AND PENALTIES

- 12.1 **Category of Offense**-A person commits an offense if the person knowingly or intentionally violates a requirement of these Regulations, including the Road and Drainage Specifications incorporated into these Regulations, The Regulations of San Jacinto County for On-Site Sewage Facilities and any appendices attached to these Regulations. An offense under this provision is a Class B misdemeanor punishable by fine or imprisonment or both.
- 12.2 **Enforcement Actions**-At the request of the Commissioners Court, The County Attorney with Felony Jurisdiction for San Jacinto County, or other prosecuting attorney for the County, may file an action in a court of competent jurisdiction to:
- 12.2.1 Enjoin the violation or threatened violation of a requirement established by or adopted by the Commissioners Court under these Regulations; or
  - 12.2.2 Recover damages in an amount adequate for the County to undertake any construction or other activity necessary to bring about compliance with a requirement established by or adopted by the Commissioners Court under these Regulations.
- 12.3 **Enforcement of Plat Notes**-The enforcement of plat notes or restriction is generally the responsibility of the Applicant and other persons holding a property interest, whether in fee simple or by easement, in the Subdivision. Plat notes shall reflect that the County may enforce any plat notes imposed pursuant to the Rules of San Jacinto County for On-Site Sewage Facilities or the Regulations, any plat note affecting County right-of-way or drainage or the public health and safety & welfare. Moreover, the Commissioners Court shall have the right and authority through appropriate legal procedures to prohibit the construction or connection of utilities or issuing of permits if the plat notes or restrictions have been violated.



**SECTION 13**

**SEVERABILITY**

13.1 **Severability**-In the event any section, appendix, paragraph, sentence, clause or phrase of these Regulations shall be declared unconstitutional or invalid by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionally or invalidity shall not affect any remaining phrases, clauses, sentences, paragraphs, sections or appendices of these Regulations. It is the express intent of the San Jacinto County Commissioners Court that the sections, appendices, paragraphs, sentences, clauses or phrases of these Regulations be servable.

PASSED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020

APPROVED:

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

\_\_\_\_\_  
Date

ATTEST:

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Date

**Standard Plat Notes and Certifications**  
**San Jacinto County, Texas**

**Acknowledgement and certificate of dedication by the Owner, to-wit:**

**For an individual**

STATE OF TEXAS  
COUNTY OF SAN JACINTO

KNOW ALL MEN BY THESE PRESENTS, That I [OWNER NAME] owner of [SUBDIVISION] ACREAGE acres of land out the [ORIGINAL SURVEY] San Jacinto County, Texas as conveyed to me by deed dated \_\_\_\_\_, and recorder in Volume \_\_\_\_, Page \_\_\_\_, San Jacinto County Deed Records, DO HEREBY SUBDIVIDE [Subdivision Acreage] acres of land out of the [Original Survey] (Note: If the subdivision lies in more than one survey, determine the acreage in each survey and repeat for each original survey within the subdivision) to be known as the [Subdivision Name] in accordance with the plat shown hereon, subject to any and all easements or restrictions heretofore granted, and do hereby dedicate to the public (or: "owners of the properly shown hereon" for private streets) the streets and easements shown hereon.

WITNESS MY HAND, this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

\_\_\_\_\_  
(Owner's Name)

STATE OF TEXAS  
COUNTY OF SAN JACINTO

BEFORE ME, the undersigned authority, on this day personally appeared [Owner's Name] known to me to be person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for San Jacinto County, Texas

**For a corporation:**

STATE OF TEXAS COUNTY OF SAN JACINTO  
KNOW ALL MEN BY THESE PRESENTS, That [*Corporation Name*], a Corporation organized and existing under the laws of the State of Texas, with its home address at [*Address, City, State*], owner of [*SUBDIVISION ACREAGE*] acres of land out of the [*Original Survey*], San Jacinto County, Texas as conveyed to it by deed dated \_\_\_\_\_, and recorded in Volume\_\_\_\_, Page\_\_\_\_, San Jacinto County Deed Records, DOES HEREBY SUBDIVIDE [*SUBDIVISION ACREAGE*] acres of land out of the [*Original Survey*], (Note: If the subdivision lies in more than one survey, determine the acreage in each survey and repeat for each original survey within the subdivision) to be known as the [*Subdivision Name*], in accordance with the plat shown, hereon, subject to any and all easements or restrictions heretofore granted, and do hereby dedicate to the public (or owners of property shown hereon for private streets) the streets and easements shown hereon.

IN WITNESS WHEREOF the said [*Corporation Name*] has caused these presents to be executed by its [*Corporate Title*], [*Name*], thereunto duly authorized,

\_\_\_\_\_  
(Owner's Name)

STATE OF TEXAS  
COUNTY OF SAN JACINTO

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_ known to me to be the person whose name is subscribed to the foregoing instrument as [*Title of Corporate Name*] and acknowledged to me that he executed the same in such capacity as the act and deed of said corporation for the purposes and considerations therein stated.

GIVEN UNDER NY HAND AND SEAL OF OFFICE this the \_\_\_\_ day of \_\_\_\_\_, A.D., 20 \_\_\_\_.

\_\_\_\_\_  
Notary Public in and for San Jacinto County, Texas

**Certificate of County Approval, to-wit:**

STATE OF TEXAS  
COUNTY OF SAN JACINTO

I, \_\_\_\_\_, County Clerk of San Jacinto County, Texas, do hereby certify that on the \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_, the Commissioners Court of San Jacinto County, Texas passed an order authorizing the filing for record of this plat, and said order has been duly entered in the minutes of the said Court in Book\_\_\_\_, Page\_\_\_\_\_.

WITNESS MY HAND AND SEAL OF OFFICE this the \_\_\_\_day of \_\_\_\_\_, A.D., 20\_\_\_\_.

\_\_\_\_\_  
COUNTY JUDGE  
SAN JACINTO COUNTY, TEXAS

\_\_\_\_\_  
COUNTY CLERK  
SAN JACINTO COUNTY, TEXAS

**Certificate of Recording, to-wit:**

STATE OF TEXAS  
COUNTY OF SAN JACINTO

I, \_\_\_\_\_, County Clerk of San Jacinto County, Texas, do hereby certify that the foregoing instrument of writing with its certificate of authentication was filed for record in my office on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_.m., in the Plat Records of San Jacinto County, Texas, in Book \_\_\_\_\_, Page \_\_\_\_\_.

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COUNTY CLERK  
SAN JACINTO COUNTY, TEXAS

**Certification of Surveyor:**

I, \_\_\_\_\_, a Texas Registered Professional Land Surveyor do certify that this plat has been prepared in accordance with the Subdivision Regulations of San Jacinto County.

**Development Regulations Note:**

No construction or other development within the subdivision may begin until San Jacinto County development requirements have been met.

**Municipal/ETJ note:**

No portion of this subdivision lies within the boundaries of any municipality's corporate city limits, or area of extra territorial jurisdiction.

OR-A portion of this subdivision lies within the [(corporate limits) or (area of extra territorial jurisdiction)] of the City of \_\_\_\_\_.

**School District plat note:**

This subdivision is within the boundaries of the \_\_\_\_\_ School District(s).

**FEMA Floodplain Note:**

[(A) or (NO)] Portion of this subdivision lies within the boundaries of the 100-year floodplain as delineated on the FEMA Flood Insurance Rate Map for San Jacinto County Community Panel # \_\_\_\_\_, dated \_\_\_\_\_.

Signature of Owner or Legal Agent: \_\_\_\_\_

Utility Notes:

Electric utility service will be provided by \_\_\_\_\_

Telephone utility service will be provided by \_\_\_\_\_

Gas utility service will be provided by \_\_\_\_\_

Sewage Disposal Note:

No structure in this subdivision shall be occupied until connected to a public sewer system or to an on-site wastewater system which has been approved and permitted by San Jacinto County.

See OSSF, Appendix 6 B of this policy.

911 Note:

There shall be no 911 addresses issued to vacant lots. 911 addresses shall be issued only when a development permit is applied for per structure.

Individual Water Supply Note:

No structure in this subdivision shall be occupied until connected to an individual water supply, state-approved community water system, or engineered rainwater collection system.

Water Supply Note

\_\_\_\_\_ Water Supply Corporation, an approved public water supply system, has adequate quantity to supply the subdivision and provisions have been made to provide service to each lot in accordance with the policies of the water supply system.

\_\_\_\_\_  
Water Supply Representative

Pipeline Easement Note:

All existing pipeline easements within the limits of the subdivision have been shown.

**Drainage easement Note:**

All drainage easements shown hereon shall be kept clear of fences, buildings, plantings, and other obstructions to the operation and maintenance of the drainage facilities.

Benchmark(s):

[All Applicants are required to set a minimum of one permanent Benchmark.] Marked map of location with GPS LON and LAT documented required.

Benchmark:

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HOW TO ESTABLISH A BENCHMARK AND BFE GUIDANCE

Official publications you should provide and the order these should be read:

For everyone:

FF-086-0-33 Elevation Certificate and Instructions

FEMA 258 Guide to Flood Maps (pay particular attention to pages 33-40 on this topic and I call special attention to the 3<sup>rd</sup> paragraph on page 39 for your specific question Ms. Basham to Ms. Harrison.

For Floodplain Management (FPAs Surveyors and Engineers)

FEMA 265 Managing Development in the Approximate Zone A

For Floodplain Management Permit Officials

*FEMA 480 National Flood Insurance Program (NFIP) Floodplain Management Requirements: A Study Guide and Desk reference for Local Officials.*

Approximate Zone A methods For BFE information also use FEMA 258 and FEMA 265.



Dedication to County of Streets:

STATE OF TEXAS

COUNTY OF SAN JACINTO

I, \_\_\_\_\_, owner of the property subdivided in the map hereon of \_\_\_\_\_ do hereby make subdivision of said property according to lines, streets, lots, building lines, and easements thereon shown and designate said subdivision as \_\_\_\_\_ and dedicate to the public use, as such, the streets and easements shown thereon forever.

\_\_\_\_\_  
Owner

**Standard Forms for Construction Security and Maintenance Security  
San Jacinto County, Texas**

**Surety Bond:**

**PRINCIPAL:** \_\_\_\_\_

**SURETY:** \_\_\_\_\_

With an A.M. Best Company, rating of "A" or greater and authorized to write bonds in the state of Texas.

**BENEFICIARY:** \_\_\_\_\_

**SUBDIVISION:** \_\_\_\_\_

**SUM:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**EXPIRATION DATE:** (Two years from Date of Bond) \_\_\_\_\_

The PRINCIPAL and SURETY, a Corporation with an A.M. Best rating of "A" or greater and authorized to write bonds in the State of Texas, are jointly and severally held and bound unto the BENEFICIARY in the above-stated sum in U.S. currency, and amount fixed by the BENEFICIARY pursuant to Chapter 232 of Texas Local Government Code.

This Bond is conditioned on the faithful performance of the duties of the PRINCIPAL prior to the Expiration Date to provide for the construction and completion of the street and drainage improvements in the SUBDIVISION to current San Jacinto County Road and Drainage Standards and Specifications so that the Improvements are performing to the Standards upon the approval of the construction of the improvements.

Partial reductions in the Sum of this Bond may be allowed. Multiple recoveries less than the total amount of the Bond are allowed. If this Bond is unenforceable as a statutory Bond, the PRINCIPAL and SURETY shall be bound by this contract as a common law obligation.

In lieu of drawing on the BOND, BENEFICIARY, in its sole discretion, may accept a Substitute Bond in the then current amount of the estimated cost of constructing the Improvements in the SUBDIVISION.

PRINCIPAL

SURETY

BY: \_\_\_\_\_  
Authorized Representative

BY: \_\_\_\_\_  
Authorized Representative

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State & Zip Code

\_\_\_\_\_  
City, State & Zip Code

\*A certified copy of the Bylaws of the Surety or a Power of Attorney evidencing the authority of the representative to sign this Bond obligation must be provided to the County.

Irrevocable Letter of Credit:

IRREVOCABLE LETTER OF CREDIT NO. \_\_\_\_\_

TO: \_\_\_\_\_  
County Judge of San Jacinto County, Texas and his successors in office

ISSUER: \_\_\_\_\_ a federally insured financial institution licensed to do business in the State of Texas

CUSTOMER: \_\_\_\_\_

AMOUNT OF SECURITY: \_\_\_\_\_

SUBDIVISION: \_\_\_\_\_

DATE OF POSTING: \_\_\_\_\_

EXPIRATION DATE: \_\_\_\_\_

The ISSUER hereby establishes this Credit and shall duly honor all drafts drawn and presented in accordance with this Credit. San Jacinto County may draw on the ISSUER for the account of the CUSTOMER up to the aggregate AMOUNT OF SECURITY.

This Credit is conditioned on the performance of the duties of the CUSTOMER prior to the Expiration Date to provide for the construction and completion of the street and drainage Improvements in the SUBDIVISION according to the adopted Rules & Regulations of the San Jacinto County Road and Drainage Standards and Specifications and filing of the plat, so that the Improvements are performing to the Standards upon the approval of the construction of the Improvements.

The only requirement necessary to draw on any part or all of the total amount of this Credit is a letter from the County Judge indicating that the County considers a drawing on this Letter of Credit necessary in order to complete all or part of the SUBDIVISION Improvements to the County Standards. No further substantiation of the necessity for the draw is required by this Letter.

Partial reductions in the amount of this Credit may be allowed. Multiple recoveries less than the total amount for the Credit are allowed. If this Letter of Credit is unenforceable as a statutory obligation, the ISSUER shall be bound by this contract as a common law obligation.

Drafts must be presented on or before the EXPIRATION DATE by the close of business and will be honored within five (5) calendar days of presentment. In lieu of drawing on the Security, the County, in its discretion, may accept a substitute Security in the then current amount of the estimated cost of constructing the Improvements. This credit may be revoked only by the written consent of the ISSUER and the County.

Except as expressly set forth herein, this credit is governed by the "Uniform Customs and Practices for Documentary Credits" (International Chamber of Commerce Publication No.500 [1993]).

ISSUER:

ADDRESS OF ISSUER:

BY: \_\_\_\_\_

\_\_\_\_\_

NAME: \_\_\_\_\_

\_\_\_\_\_

TITLE: \_\_\_\_\_

\_\_\_\_\_

## **FLOOD DAMAGE PREVENTION ORDINANCE**

### **ARTICLE I**

#### **STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS**

##### **SECTION A. STATUTORY AUTHORIZATION**

The Legislature of the State of Texas has in the Flood control insurance Act, Texas Water Code, Section 16.315, delegated the responsibility of local government units to adopt regulations designed to minimize flood losses. Sources of San Jacinto County's statutory authority include:

- a. Local Governmental Code:
  - i. Ch. 232.007 Minimum Infrastructure standards for manufactured home rental communities
  - ii. Ch. 240.901 Land use control for floodplain regulation in Trinity River Basin Water Code.
  - iii. Sec. 16.322-Civil penalty for violating order
  - iv. Sec. 16.3221-Criminal penalty for violating order
  - v. Sec. 16.324-County fee for permit

Therefore, the Commissioners' Court of San Jacinto County, Texas, does ordain as follows:

##### **SECTION B. FINDINGS OF FACT**

- (1) The flood hazard areas of San Jacinto County are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect public health, safety and general welfare.
- (2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed or otherwise protected from flood damage.

##### **SECTION C. STATEMENT OF PURPOSE**

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of general public;

- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (7) Ensure that potential buyers are notified that property is in a flood area.

**SECTION D. METHODS OF REDUCING FLOOD LOSSES**

In order to accomplish its purposes, this ordinance uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities, which serve as such uses, be protected against flood damage at the time of initial construction;
- (3) Control the development and alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- (4) Control filing, grading, dredging and other development, which may increase flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

## ARTICLE 2

### DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

**44 CFR § 65.12-** contains the section of the Federal regulations which involves revision of flood insurance rate maps to reflect base flood elevations caused by proposed encroachments.

**100-YEAR FLOOD-** is any flood with a 1% chance of occurring in any given year. The term is misleading, because of its statistical derivation. A “100-Year Flood” may occur many times in any given 100-year period, or it may not occur at all in 100 years.

**500-YEAR FLOOD-** is any flood with a 0.2% chance of occurring in any given year. As with the “100-Year Flood”, this term is also misleading, because of its statistical derivation. A “500-Year Flood” may occur many times in any given 500-year period, or it may not occur at all in 500 years.

**ACCESSORY STRUCTURES-** are structures which are on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure (such as garages and storage sheds).

**APPEALS OF DECISIONS-SD/SI-** Appeals are Designated to be heard by a Board appointed by Commissioners’ Court or by the Commissioners’ Court, itself. An Owner may appeal a finding, determination or permit violation on the basis of insufficient information errors, repair/improvement costs that should be included or excluded, inappropriate valuations of cost for the proposed work or an inappropriate method to determine the market value of the building/structure. (See also under D-Variance below)

**APPURTENANT STRUCTURE-** means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure. This shall include structures that are not buildings (fences, retaining walls, etc.).

**AREA OF FUTURE CONDITIONS FLOOD HAZARD-** means the land area that would be inundated by the 1-percent-annual chance (100-year) flood based on future conditions hydrology.

**AREA OF SHALLOW FLOODING-** means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community’s Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.



**AREA OF SPECIAL FLOOD HAZARD-** is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate-making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

**BASE FLOOD-** means the flood having a 1 percent chance of being equaled or exceeded in any given year.

**BASE FLOOD ELEVATION (BFE)-** The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-30, AR, V1-30 or VE that indicates the water surface elevation resulting from the flood that has a 1 percent chance of equaling or exceeding that level in any given year-also called the Base Flood.

**BASE LEVEL ENGINEERING-** are flood risk datasets that meet the technical mapping standards outlined in FEMA Policy 204-078-1 Standards for Flood Risk Analysis and Mapping and include estimated floodplain extents (10%, 1% and 0.2% annual chance events), water surface elevation grids (1% and 0.2% annual chance events), flood depth grids (1% and 0.2% annual chance events), and Hazardous Flood Risk Assessment.

**BASEMENT-** means any area of the building having its floor Subgrade (below ground level) on all sides. Under the NFIP, new buildings and substantially improved buildings must have their lowest floors (including basements) elevated to or above the BFE (non-residential buildings may have dry-floodproofed basements below the BFE). If a local official determines that work constitutes SI/SD of any building that has a basement, the building must be brought into compliance, which includes eliminating the below-grade area.

**CRITICAL FEATURE-** means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

**DEVELOPMENT-** means any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, site related public/private utilities, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials. In addition, the term applies to existing buildings and structures (additions, alterations, repairs, rehabilitations).

**ELEVATED BUILDING-** means, for insurance purposes, a building with no basement, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**ELEVATION CERTIFICATE-** refers to FEMA form 81-31, which for the purposes of this Code must be properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Texas.

**EXISTING CONSTRUCTION-** means for the purposes of determining rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures.”

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION-** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION-** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FLOOD OR FLOODING-** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD ELEVATION STUDY-** means an examination, evaluation and determination of flood hazards and if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

**FLOOD HAZARD BOUNDARY MAP (FHBM)-** means an official map of a community, issued by the Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

**FLOOD INSURANCE RATE MAP (or “FIRM”)-** refers to the official flood map of a community on which FEMA has categorized Special Flood Areas into risk premium zones.

**FLOOD INSURANCE STUDY (or “FIS”)-** is the official report provided by FEMA. It contains flood profiles, floodway tables, engineering methods, and other descriptive and technical data.

**FLOODPLAIN OR FLOOD-PRONE AREA-** means any land or area susceptible to being inundated by water from any source (see definition of flooding).

**FLOODPLAIN MANAGEMENT-** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

**FLOODPLAIN MANAGEMENT REGULATIONS-** means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**FLOOD PROTECTION SYSTEM-** means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a “special flood hazard” and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

**FLOOD PROOFING-** means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

**FLOODWAY-** see *Regulatory Floodway*

**FUNCTIONALLY DEPENDENT USE-** means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**HIGHEST ADJACENT GRADE-** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HISTORIC STRUCTURE-** means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- (3) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either;

- (a) By an approved state program as determined by the Secretary of the Interior or;
- (b) Directly by the Secretary of the Interior in states without approved programs.

**LEVEE-** means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

**LEVEE SYSTEM-** means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**LOWEST FLOOR-** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

**MANUFACTURED HOME-** means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to required utilities. The term "manufactured home" does not include a "recreational vehicle" unless the RV has been in place for more than 180 days.

**MANUFACTURED HOME PARK OR SUBDIVISION-** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. The placement of a Recreational Vehicle for more than 180 days does constitute as development.

**MEAN SEA LEVEL-** means, for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**NEW CONSTRUCTION-** means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION-** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**RECREATIONAL VEHICLE-** means a vehicle which is;

- (i) Built on a single chassis;
- (ii) 400 square feet or less when measured at the largest horizontal projections;
- (iii) Designed to be self-propelled or permanently towable by a light duty truck; and
- (iv) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use;
- (v) Has not been in place for more than 180 days;
- (vi) RVs or other Structures/Recreation Vehicles without Axles shall be required to meet permanent Structure BFE criteria;  
AKA; "Other Readily Fabricated Dwelling".

**RIVERINE-** means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**SPECIAL FLOOD HAZARD AREA (SFHA)-** see *Area of Special Flood Hazard*

**START OF CONSTRUCTION-** (for other than new construction or substantial improvements under the Coastal Barrier Resources Act [Pub. L. 97-348]), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE-** means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**SUBSTANTIAL DAMAGE (SD)-** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. ALL SD must be permitted.

**SUBSTANTIAL IMPROVEMENT (SI)**- means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before “start of construction” of the improvement. This term includes structures, which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”. SI must be permitted.

**SI/SD DEVELOPMENT ADMINISTRATION REQUIREMENTS**-Section references are to Publication FEMA P-758- Administering the SI/SD requirements requires four major actions: (1) From a post-Disaster Survey, determine cost of damage (Section 4.4), (2) determine market values of the development (Section 4.5), (3) make SI/SD determinations centering on 50% value, issue a determination letter (Section 5.6.15) and (4) require owners to obtain permits to bring substantially improved or substantially damaged buildings into compliance with the County requirements (Section 6.4.7). Although this Regulation specifically applies to flood damage, other events can cause these processes to activate. Regardless of the cause of damage, when owners apply for permits to repair, the County must determine whether the building is substantially damaged.

**VARIANCE**- means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

**VIOLATION**- means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in NFIP program Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

**WATER SURFACE ELEVATION**- means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

## **ARTICLE 3**

### **GENERAL PROVISIONS**

#### **SECTION A. LANDS WHICH THIS ORDINANCE APPLIES**

The ordinance shall apply to all areas of special flood hazard within the jurisdiction of San Jacinto County.

#### **SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**

The areas of special flood hazard identified by the Federal Emergency Management Agency in the Flood Insurance Rate Map (FIRM), Community Number, 480553, dated November 4, 2010 and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

#### **SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT**

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this ordinance. Elevation Certificates SI and SD Permits will apply as appropriate.

#### **SECTION D. COMPLIANCE**

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

#### **SECTION E. ABROGATION AND GREATER RESTRICTIONS**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### **SECTION F. INTERPRETATION**

In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing party; and
- (3) Deemed neither to limit nor repeal any other powers granted under State statutes.

## **SECTION G. WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

## **SECTION H. MECHANICAL, ELECTRICAL, PLUMBING SYSTEMS**

In a Hazardous Flood Zone, utilities and equipment must be elevated to or above the required lowest floor elevation. Most commercial buildings have service equipment installed on the roof or a higher floor. Elevators are permitted below the BFE and elevator shafts are not required to break away or have flood openings. Foundation designs must account for flood loads acting on elevators and non-breakaway shaft walls. To satisfy the NFIP and I-Code free-of-obstruction requirements, tanks that serve buildings in Zone V must be elevated on platforms or be installed underground and designed and anchored to account for buoyancy forces, taking into consideration erosion and scour.

## **SECTION I. STRUCTURES AND FOUNDATIONS**

Foundations and structures within Floodplains must be designed in accordance with the American Society of Civil Engineers (ASCE), *Flood Resistant Design and Construction*, ASCE 24. ASCE 24 states the minimum requirements and expected performance for the siting and design and construction of buildings, structures, flood openings, and breakaway walls in flood hazard areas that are subject to this Regulation's requirements. Types of buildings and structures are described in ASCE 24-14, Table 1-1, and include commercial, residential, industrial, educational, healthcare, critical facilities, other occupancy types, and ancillary/appurtenant development.

## **SECTION J. SPECIAL DUTIES AND RESPONSIBILITIES OF THE FLOOD ADMINISTRATOR**

1. **Interpret, where needed, the exact location of the boundaries of Special Flood Hazard Areas** floodplain boundaries, and floodway boundaries. (The sole purpose of this interpretation is to determine the applicability of the provisions of these Rules to the proposed project.) The following shall apply to the use and interpretation of FIRMs and data:
  - (a) Where field surveyed topography indicates that ground elevations:



- (1) Are below the base flood elevation, even in areas not delineated as A Special Flood Hazard Area on a FIRM, the area shall be considered as Special Flood Hazard Area and subject to the requirements of these regulations.
  - (2) Are above the base flood elevation, the area shall be regulated as Special Flood Hazard Area unless the applicant obtains a Letter of Map Change that removes the area from the Special Flood Hazard Area.
- (b) Where Base Level Engineering is available:
  - (1) Base Level Engineering data shall be reviewed and reasonably used in FEMA-identified Special Flood Hazard Areas where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified Special Flood Hazard Areas.
  - (2) Base flood elevations and designated floodway boundaries on FIRMs and in Flood Insurance Studies shall take precedence over base flood elevations and floodway boundaries delineated by Base Level Engineering if such source shows reduced floodway widths and/or lower base flood elevations.
  - (3) Base Level Engineering data shall be reasonably used if such source shows increased base flood elevations and/or larger floodway areas than are shown on FIRMs and in Flood Insurance Studies.
- (c) If a Preliminary Flood Insurance Rate Map and/or a Preliminary Flood Insurance Study has been provided by FEMA:
  - (1) Upon the issuance of a Letter of Final Determination by FEMA, if the preliminary flood hazard data is more restrictive than the effective data, it shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.
  - (2) Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to Section 1.5(C) and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.
  - (3) Prior to issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations, floodplain or floodway boundaries exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.
2. **Notify adjacent communities** and the State Coordinating Agency, which is the Texas Water Development Board, a minimum of 60 days prior to any alteration or relocation of a watercourse and submit evidence of all such notifications to FEMA.

3. **Ensure that the flood carrying capacity** within an altered or relocated portion of a watercourse is not diminished, and that the alteration or relocation does not adversely impact any other lands.
4. **Obtain, review and reasonably utilize**, whenever the current Flood Insurance Study or current Flood Insurance Rate Map does not provide base flood elevation data, any base flood elevation data and floodway data available from any Federal, State or other source. The Floodplain Administrator may obtain such data by requiring the applicant to submit it in conjunction with a Floodplain Development Permit application. (The sole use of this data is the administration of the provisions of these Rules.)
5. **Inspect (or have certified) floodplain developments as necessary** to ensure construction is in accordance with the application data that formed the basis for the decision to issue the Floodplain Development Permit.
6. **Maintain all records and documents pertaining to these Rules** for public inspection.

## **ARTICLE 4**

### **ADMINISTRATION**

#### **SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR**

The County Permit Officer is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and of other appropriate sections of 44 CFR (Emergency Management and Assistance-National Flood Insurance Program regulations) pertaining to floodplain management.

#### **SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR**

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
- (2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3) Review, approve or deny all application for development permits required by adoption of this ordinance.
- (4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.
- (6) Notify, in riverine situations, adjacent communities and the State Coordinating NFIP Agency which is the Texas Water Development Board (TWDB), the Texas Commission on Environmental Quality (TCEQ), and, if applicable, the Trinity River Authority (TRA) prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.
- (7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (8) When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize

any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.

### **SECTION C. PERMIT PROCEDURES**

- (1) Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including accessory structures the placement/replacement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
  - (a) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures; 2 ft. BFE @ Bottom of Lowest Floor;
  - (b) Elevation (in relation to mean sea level), to which any nonresidential structure shall be flood proofed;
  - (c) A certificate from a Texas registered professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of Article 5, Section B (2);
  - (d) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
  - (e) Maintain a record of all such information in accordance with Article 4, Section B (1).
  
- (2) Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:
  - (a) The danger to life and property due to flooding or erosion damage;
  - (b) The susceptibility of the proposed facility and its contents to the flood damage and the effect of such damage on the individual owner;
  - (c) The danger that materials may be swept onto other lands to the injury of others;
  - (d) The compatibility of the proposed use with existing and anticipated development;
  - (e) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (f) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
  - (g) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

- (h) The necessity to the facility of a waterfront location, where applicable;
- (i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

#### **SECTION D. VARIANCE PROCEDURES**

- (1) The San Jacinto County Commissioners' Court (or designated Appeal Board), as established by the community, shall hear and render judgement on requests for variances from the requirements of the ordinance.
- (2) The Appeal Board shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
- (3) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
- (4) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- (5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.
- (6) Variances may be issued for new construction and substantial improvements to be erected on a lot of ½ acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C (2) of this Article have been fully considered. As the lot size increases beyond the ½ acre, acre, the technical justification required for issuing the variance increases.
- (7) Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).
- (8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (10) Prerequisites for granting variances:
  - (a) Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - (b) Variances shall only be issued upon:
    - i. Showing a good and sufficient cause;

- ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
  - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (c) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (11) Variances may be issued by the Commissioners' Court for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
- (a) The criteria outlined in Article 4, Section D (1)-(9) are met, and
  - (b) The structure or other development is protected by methods that minimize dangers to public safety.

## ARTICLE 5

### PROVISIONS FOR FLOOD HAZARD REDUCTION

#### SECTION A. GENERAL STANDARDS

In UNINCORPORATED AREAS OF SAN JACINTO COUNTY, the following provisions are required for all new construction and substantial improvements as allowed by: Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. §5174) Executive Order (E.O.) 11988, Floodplain Management, May 24, 1977; Executive Order (E.O.) 11990, Protection of the Wetlands, May 24, 1977; 44 C.F.R. §9.13 which mandates Mobile Homes or other Readily Fabricated Dwellings which for the purpose of this Ordinance includes RV's (Recreational Vehicles; 44 C.F.R. Parts 59 thru 73: Local Government Code (LGC) 232; Section 16.343, Water Code;

- (1) No alteration, diversion, encroachment, or enlargement shall be made to any bayou, lake, creek, natural drainage, drainage ditch, or waterway without specific written authorization from the County Floodplain Administrator and the U.S. Army Corps of Engineers-Galveston District, if applicable.
- (2) No person may divert or impound the natural flow of surface waters or permit a diversion or impounding by him/her to continue in a manner that damages the property of another by the overflow of the water diverted or impounded.
- (3) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. PERMIT REQUIRED.

In all areas of Special Flood Hazards the following provisions are required for all new construction and substantial improvements.

- (4) All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. PERMIT REQUIRED
- (5) All new construction or substantial improvements shall be constructed with materials resistant to flood damage and by methods and practices that minimize damage. PERMIT REQUIRED
- (6) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located as to prevent water from entering or accumulating within the components during conditions of flooding.

- (7) All new and replacement water systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- (8) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into floodwaters.
- (9) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (10) No building permit will be issued until San Jacinto County Environmental septic system permit (OSSF) has been obtained.

## **SECTION B. SPECIFIC STANDARDS**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in:

- i. Article 3, Section B;
- ii. Article 4, Section B (8);
- iii. Article 5, Section C (4), the following provisions are required

### **1) RESIDENTIAL CONSTRUCTION**

- a. Development Permits must be obtained for all proposed construction or other development, including Post-Disaster Repairs/ replacements/modifications, within the identified flood hazard areas of the community. Development is defined as any man-made change structures, manufactured housing, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- b. New construction, substantial improvement or restoration of substantially damaged residential structures shall have the lowest floor (including basement), elevated two (2) feet above the base flood elevation (BFE). Substantial damage exists when the cost of restoring a structure to its pre-damaged condition equals or exceeds 50 percent (50%) of the structure's pre-disaster market value.

“Substantial Improvement” means 50 percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage”, regardless of the actual work being performed. A Texas Registered Professional Engineer or Land Surveyor shall submit a certificate to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C (1) a., is satisfied.



## 2) NON-RESIDENTIAL

- a. NON-RESIDENTIAL CONSTRUCTION- All new construction and substantial improvements of any commercial, industrial, or other non-residential structure shall either have the lowest floor (including basement) elevated two feet (2') above the base flood level (BFE) or, together with attendant utility and sanitary facilities, designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A Texas registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction, and shall certify that the designs and methods of construction are in accordance with accepted standards of practice outlined in this subsection. Only a Licensed PE or Architect can issue a COE (Certificate of Elevation) to be attached to the Permit before the permit is issued or construction begins. The Engineer is employed by the Owner.

A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood-proofed shall be maintained by the Floodplain Administrator. Commercial, public or other non-residential structures shall also obtain a fire code permit prior to construction and provide to the Floodplain Administrator. Once construction is complete, the final fire code permit shall be provided to the Floodplain Administrator.

## 3) COMMERCIAL STRUCTURES, PUBLIC BUILDINGS, OR ENCROACHMENTS OF STRUCTURES:

5,000 Sq. Ft. or More: Any person who intends to build a structure of 5,000 sq. feet or more or any commercial structure SHALL submit building plans and specifications to the drainage district in which the structure will be erected. If no drainage district exists for that area, then the person SHALL provide the building plans and specifications to a Texas professional engineer to prepare a site study and then submit the site study to the San Jacinto County Engineer's office for approval. San Jacinto County has a Fire Code for commercial and public structures. Any commercial or public structure of this nature must be inspected and permitted under the fire code. No building permit shall be issued until a fire code permit has been approved by San Jacinto County Fire Marshall or Inspection Department and provided to the San Jacinto County Floodplain Administrator.

## 4) ENCLOSURES

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize

hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum requirements:

- a. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosure in an area other than a basement and which are subject to flooding shall be provided;
- b. The bottom of all openings shall be no higher than one foot (1') above grade; and
- c. Openings shall be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

#### 5) APPURTENANT STRUCTURES

The construction of such structure must satisfy the following standards in unnumbered and numbered A Zones:

- a. Structure is low-valued and represents a minimal investment;
- b. Structure shall be small in size, not exceeding 600 square feet in size;
- c. Structure shall be unfinished on the interior;
- d. Structure can be used only for parking and limited storage;
- e. Structure shall not be used for human habitation (including work, sleeping, living, cooking, or restroom areas);
- f. Service facilities such as electrical and heating equipment must be elevated 2 feet (2') above BFE or flood-proofed;
- g. Structure is constructed and placed on building site so as to offer minimum resistance to the flow of floodwaters;
- h. Structure is designed to have low flood damage potential, (i.e.-constructed with flood resistant materials);
- i. Structure is firmly anchored to prevent floatation, collapse, and lateral movement, (i.e.-RV Carports or covers);
- j. Floodway requirements must be met in the construction of the structure; and
- k. Openings to relieve hydrostatic pressure during a flood shall be provided below BFE.

No accessory structures are allowed in 100-year Floodplain except for "disposable" sheds. If constructed, fill cannot be used for structural support and includes the areas below the BFE and must remain free of obstruction or be constructed with non-supporting breakaway walls, open latticework, or insect screening. All appurtenant structures are to be located so as not to cause damage to adjacent and nearby structures.

## 6) MANUFACTURED HOMES

- a. All manufactured homes, including manufactured housing as defined under Chapter 1201.003 (9), (15), and (17) of Texas Occupation Code, to be placed within Zone A, shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist floatation, collapse or lateral movement. Homes or other Readily Fabricated Dwellings which for the purpose of this Ordinance includes RV's (Recreational Vehicles).
- b. Methods of anchoring MUST be in compliance with State and local anchoring requirements for resisting wind forces and must include, but not limited to, use for over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- c. All manufactured homes shall be in compliance with Part III, Fire Code.
- d. Requirement that all manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites
  - i. Outside a manufactured home park or subdivision,
  - ii. In a new manufactured home park or subdivision,
  - iii. In an expansion to an existing manufactured home park or subdivision, or
  - iv. In an existing manufactured home park or subdivision on which a manufactured home has incurred "Substantial Damage" as a result of a flood, be elevated on a permanent foundation such that the lowest horizontal structural beam of the manufactured home is 2 feet (2') above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section B, item 1 and 2 of this Article.
- e. No coastal high hazard area (velocity zone) exists in San Jacinto County but SFHA do and are noted as applicable on FEMA Mapping.
- f. Manufactured homes may not be placed in a floodway. Encroachments including fill, new construction, substantial improvements, substantial restoration, and other development are prohibited within an adopted regulatory floodway if it is determined that the encroachment would result in any increase in flood levels within the community during the occurrence of the 1% annual flood. If the proposed development in an adopted floodway will cause a rise in the 1% annual flood, the provisions of 44 CFR 65.12 must be applied.
- g. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of paragraph (4) of this section be elevated so that either:
  - (i) The lowest horizontal structural beam of the manufactured home is a minimum of 2 feet (2') above the base flood elevation, or
  - (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of the least equivalent strength that are no less than 36 inches in height above grade and be securely anchored foundation system to resist floatation, collapse, and lateral movement.

- h. San Jacinto County has a Separate Manufactured Home Rental Community Ordinance/Court Order which must be complied with in addition to these Regulations if the land is to be developed into a manufactured or RV home park. Reference to Part II, Appendix 5.

#### 7) RECREATIONAL VEHICLES (RV)

- a. Recreational Vehicles-Recreational vehicles placed on sites on the community's FIRM either must (i) be on the site for fewer than 180 consecutive days, and/or (ii) be fully licensed and be ready for highway use, and/or (iii) meet the permit requirements of Manufactured Homes, and the Elevation and anchoring requirements of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
- b. Any recreational vehicle (RV) or Other Readily Fabricated Dwelling, remaining at one location in excess of 180 days shall be permitted and elevated above the base flood elevation required. All recreational vehicles shall be tied down to resist floatation, collapse or lateral movement if not attached to a vehicle.
- c. Any person, who moves a recreational vehicle (RV) from a location in order to avoid having a permit, elevate and tie down as required in these Regulations, must remove the recreational vehicle for a period in excess of 24 hours. If the vehicle is removed for a period consisting of 24 hours or less, then the permitting requirements will apply, and the property owner will be required to comply with the requirements set forth in "a" above.
- d. Any recreational vehicle that is being used as a residence must be permitted, elevated, and tied down in the same manner as required for manufactured homes and the above 24-hour rule does not apply.
- e. All recreational vehicles shall be capable of evacuation under its own power or if dependent of external power, the vehicle shall be in running condition.
- f. Egress of recreational vehicles shall not be prevented by stored or fixed items such as stairs, porches, storerooms, etc.
- g. In a high hazard area such as the 100 Year Floodplain, all recreational vehicles shall be moved and/or evacuated at such time to pre-empt the storm arrival time to protect lives and property or by FEMA guidance if provided by FEMA/GLO.
- h. Recreational vehicles stored on a homeowner's lot where the house already exist are exempt from the 180-day permit regulations subject to other ordinances or restrictions. These vehicles must be unoccupied and not connected to water or sewer facilities. It must have a current license, inspection sticker, and be capable of highway use. A (THU) is NOT A PERMANENT RESIDENCE. A Temporary Housing Unit (THU), whether RV or MH that becomes permanent shall require a new permit to establish permanent addressing.
- i. A permit may be issued as Temporary Housing Unit (THU) if it falls under the guidance of FEMA Policy 9453.3 dated October 17, 2008 "Abbreviated Decision Process for the Placement of Mobile Homes and Other Readily Fabricated Dwellings" As the Result of a

Disaster. The BFE requirement may be waived as long as the permit stipulates it is for temporary housing (TH) where the highest level practicable has been determined to be below the effective BFE. The Unit must be anchored. Documentation of the permitting and review process shall be maintained in the Permitting Office File. This process will not require a Variance and will not jeopardize the NFIP standing since this is a "Temporary Housing Unit" (THU).

- j. The RV-Temporary Housing Unit (RV-THU) shall be removed
  - 1) Immediately upon public notice of an impending event that could have a negative impact on the unit or its inhabitants or,
  - 2) Within 1 week of completed or completing the project for which the temporary housing unit was being used and/or permitted for whether MH, RV or Other Readily Fabricated Dwelling (RFD).

### 8) FLOODWAYS

Located within areas of special flood hazard established in the FEMA FIRM are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- a. Encroachments are prohibited, including fill, new construction, substantial improvements and other development unless certification by a Texas Professional Registered Engineer or architect is provided documented proof by demonstrating that encroachments shall not result in any increase in flood levels in that community during the occurrence of the 1% annual flood.

PERMIT(S) WILL BE REQUIRED FROM THE COUNTY and other agencies including but not limited to, USACOE's, Fish and Game, Parks and Wildlife.

- b. If Article 5, Section B (5) (a) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.

### 9) FILL MATERIAL

- a. No permit is required if the fill material to be placed is no more than 20 loads or 250 cubic yards of dirt per acre of land and the land is not within the floodplain. Each acre may not contain more than 20 loads of dirt. Property owner is required to equally disburse and spread the fill material to insure no more than 20 loads of fill being placed on each acre.
- b. If more than 20 loads or 250 cubic yards of fill material is to be placed per acre of land, a permit must be obtained from the Floodplain Administrator and the property owner will be required to provide a hydraulic analysis (drainage plan) certified by a

- registered Texas Professional Engineer and approved by the appropriate drainage district.
- c. The property owner must be able to provide to the County information relating to the location from which the dirt came from, if it was from a governmental project, and who hauled/delivered the fill material.
  - d. Fill material shall be placed no closer than ten (10) feet from the edge of the property line.
  - e. If the fill material is placed on a piece of property in which the natural flow of water is conveyed on the proposed fill site, then the property owner is required to mitigate for the altered flow. Natural flow could be by sheet flow, swale, ditch, slough or other natural or man-made means of conveyance of water. Mitigation could include ditches, swales, detention/retention ponds and any other means of conveyance/detention/retention.
  - f. All fill material must be spread evenly and as per permit represents within six (6) months of the permit issuance date. If the fill material is not spread within this time period, the property owner may be requested to remove the material.

### **SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS**

- (1) All subdivisions proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.
- (2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.
- (3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B, or Article 4, Section B (8) of this ordinance.
- (4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- (5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

### **SECTION D. SEVERABILITY**

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**SECTION E. PENALTIES FOR NON-COMPLIANCE**

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this court order and other applicable regulations. Violation of the Provisions of this court order by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this court order or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Commissioners Court from taking such other lawful action as necessary to prevent or remedy any violation.

**SECTION F. FEMA/NFIP DOCUMENTS**

**A. Floodplain Review and Inspection:**

**San Jacinto County Permits**

Permit #: \_\_\_\_\_

Applicant: \_\_\_\_\_

**Plan Review Checklist**

**FLOOD HAZARD AREA APPLICATION REVIEW – A ZONES**

Terms: FHA = Flood Hazard Area; DFE = Design Flood Elevation

Reviewer's Initials and Date of Review	Review Steps <i>NOTE: For variance requests, use this form to document efforts to achieve the greatest degree of compliance.</i>
	Is proposed development consistent with zoning? <input type="checkbox"/> NO, Applicant to request a zoning amendment. <input type="checkbox"/> YES, proceed with review.
FIRM Panel # and date _____  FLOODWAY Panel # and date _____  DFE _____	Check FIRM, floodplain/floodway boundaries, base flood elevations, and map revisions and LOMRs issued by FEMA. Is proposal in the floodplain and/or floodway? <input type="checkbox"/> NO, sign and date this form and put in file. <input type="checkbox"/> YES, must meet the flood resistant provisions of the code. <input type="checkbox"/> YES, FLOODWAY. All residential structures (including Manufactured Housing units) in floodways to comply with IBC. <input type="checkbox"/> YES, FLOODWAY. Require engineer's "no rise" analysis and supporting hydraulic data in file before continuing review. <input type="checkbox"/> YES, in FHA without DFEs. Check other sources, use estimating methods, or require applicant to determine. <input type="checkbox"/> YES, in FHA, but applicant has elevation data that shows natural site elevation above DFE. Advise applicant to obtain LOMA and submit copy for the file. <input type="checkbox"/> YES, in Coastal A Zone, refer to V Zone Checklist if V Zone requirements are applied. <input type="checkbox"/> YES, in 500-year floodplain. Floodplain review not required; flood-resistance encouraged.
	Site plan shows nature of development proposal, location, dimensions, wetlands, floodplain/floodway boundaries, and ground elevations. <input type="checkbox"/> YES, continue review. <input type="checkbox"/> NO, return to applicant to revise application and site plan.
	Can the proposed development be modified to avoid floodplain? <input type="checkbox"/> YES, explain flood hazards to applicant and make recommendations to modify proposal to minimize flood hazards and damage potential. <input type="checkbox"/> NO, but can impacts be further minimized? Reduce fill? Site on higher ground?
	Has the applicant provided copies of all necessary State and federal permits, e.g., wetlands? <input type="checkbox"/> NO, advise applicant which agencies to contact. <input type="checkbox"/> YES, require copies for the file.
	Will a watercourse be altered? <input type="checkbox"/> NO, continue review. <input type="checkbox"/> YES, Applicant to provide copies of notices to adjacent communities, federal agencies, and the NFIP State Coordinator. <input type="checkbox"/> YES, engineer's analysis required to show some flood carrying capacity, method of maintenance specified.
	Is fill proposed? Compacted? Side-slopes are no steeper than 2H:1V? Protected from erosion? <input type="checkbox"/> NO fill, continue review. <input type="checkbox"/> YES, fill used to elevate building will be compacted, sloped, and stabilized. <input type="checkbox"/> YES, but not for building elevation. Purpose for fill: _____



B. Substantial Damage Calculation:

SPECIAL FLOOD HAZARD AREA	SUBSTANTIAL DAMAGE WORKSHEET FOR OFFICE USE ONLY
Floodplain/Building Permit Number: _____	
Substantial Damage determination must consider all costs necessary to restore the damaged structures to their before-damage condition. Complete the Calculation Ratio for SD determination below. Documentation to support stated cost estimates is required. Review local floodplain ordinance for higher standards adoption (e.g. freeboard, lower threshold for SD determination and cumulative SD over a period of time).	
<b>STRUCTURE VALUE*</b>	Source: Property Assessment <input type="checkbox"/> (includes tax factor of _____) Attached Appraisal (Structure Only) <input type="checkbox"/> *use market value before damage occurred
	\$ _____ (A)
<b>REPAIRS</b> <small>Flood Damage? Yes <input type="checkbox"/> No <input type="checkbox"/></small>	Describe work needed to repair to pre-damaged condition; provide detailed estimate Cost* to repair to pre-damaged condition
	\$ _____ (B)
<b>CALCULATING RATIO</b>	$\left(\frac{B}{A}\right) \times 100 \geq C$
<b>DETERMINATION</b>	Check all that apply in accordance with the local floodplain management ordinance and all building codes. <input type="checkbox"/> Estimates of costs reviewed and accepted <input type="checkbox"/> Estimates of costs returned for more information <input type="checkbox"/> Appraisal, if provided, reviewed and deemed to represent structure only <input type="checkbox"/> Ratio of costs to market value does not constitute "substantial damage" <input type="checkbox"/> Ratio of costs to market value constitutes "substantial damage" <input type="checkbox"/> Building must be brought into full compliance with the local floodplain management ordinance <input type="checkbox"/> Building must be brought into compliance with all building codes <input type="checkbox"/> Applicant must submit floodplain/building permit application demonstrating compliance with flood hazard area requirements.  Issue letter to owner: <input type="checkbox"/> Not Substantial Damage <input type="checkbox"/> Substantial Damage <input type="checkbox"/> Substantially Damaged by Flood (may qualify for NFIP ICC insurance payment)  Determination completed by: _____ Determination approved by: _____  _____ Date Floodplain Administrator/Building Official
	<input type="checkbox"/> SD Worksheet and Letter to Owner put in permit file <input type="checkbox"/> Pre-Market Value Assessment put in permit file <input type="checkbox"/> Cost Repair Estimate put in permit file

C. Cost of Damage Estimates

Contractor Construction Estimate

*(Note: If there is no contractor the homeowner may complete this packet.)*

Parcel ID No.:

Property Address:

Contractor Name.:

License No.:

Phone.:

I hereby attest to the fact that I, or a member of my staff, personally inspected the above-mentioned property and produced the attached itemized list of repairs which are hereby submitted for a Substantial Improvement/Substantial Damage Review. These improvements/damages are **ALL OF THE IMPROVEMENTS/DAMAGES** sustained by this structure, and that all repairs proposed on the subject building are included in the estimate.

This disclosure is to comply with substantial improvement as defined in 44 Code of Federal Regulations 59.1: *any reconstruction, rehabilitation, addition, or other improvements of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed.*

See attached itemized list

Total Labor and Materials \$

Overhead and Profit \$

Total Cost \$

Contractor Signature

Date

D. Substantial Damage Estimate – Non-Residential:

**SDE Non-Residential Worksheet**

Inspection # \_\_\_\_\_ Photo # \_\_\_\_\_ Inspector Name \_\_\_\_\_  
Date \_\_\_\_\_

**PROPERTY LOCATION**

Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_

Street Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
County \_\_\_\_\_

**STRUCTURE ATTRIBUTES**

Story:  One  
 Two thru Four  
 Five or more

Structure Use : \_\_\_\_\_  
Description: Apartments, Courthouse, Dept. Store, High School, Hospital, Industrial,  
Long-Term Care Facility, Motel, Municipal Building, Office Building or Police Station.

Sprinkler System:  Yes  No Conveyance (Elevator/Escalator):  Yes  No

Quality:  Low  Budget  Average  Good  Excellent

Year of Construction: \_\_\_\_\_

Date Damage Occurred: \_\_\_\_/\_\_\_\_/\_\_\_\_

Cause of Damage:  Fire  
 Hood  
 Flood and Wind  
 Seismic  
 Wind  
 Other

Duration of Flood: \_\_\_\_\_  Hours  
 Days

Depth of Flood Above Ground: \_\_\_\_\_

Depth of Flood Above 1<sup>st</sup> Floor: \_\_\_\_\_

No Physical Damage



## ARTICLE 6

### ADMINISTRATIVE PROCEDURES – SAN JACINTO COUNTY, TEXAS

#### SECTION A. SUBSTANTIAL IMPROVEMENT/SUBSTANTIAL DAMAGE (SI/SD)

The purpose of this document is to outline how San Jacinto County will administer and implement steps to fulfill the Substantial Improvement/ Substantial Damage (SI/SD) requirements for future flooding events. Incident size, severity, and associated building damage will vary. Some incidents are localized, some rise to the level of emergency, and others can be regional and considered a disaster. Although the primary focus of this document is on large scale incidents that have risen to the level of a disaster, guidance can apply to incidents of smaller scale and severity.

#### 1. RECOGNIZING REGULATORY, LEGISLATIVE, and REFERENCE AUTHORITY

**a. Location of SI/SD Regulatory Language** - Substantial Improvement/Substantial Damage (SI/SD) procedures in San Jacinto County are established and regulated as per

- San Jacinto County Rules for Subdivisions and Development (As amended November 19, 2021) – Sections pertinent to Flood Plane Management - (Article 5, Appendix 3, Section D, Article 3, Article 4)
- Texas Local Government Code Sections 232, 233, & 240.
- Texas Administrative Code – Title 37, Part 1, Chapter 7, Sub. A
- San Jacinto County Multi-Hazard Mitigation Plan
- Texas Government Code 418
- Texas RP 40 – designating NIMS as the state standard for incident reporting
- FEMA P-2055 Post Disaster Building Safety Evaluation Guide
- Disaster Recovery Reform Act (DRRA) of 2018 (specifically Section 1241 - POST DISASTER BUILDING SAFETY ASSESSMENT).
- Robert T. Stafford Disaster Relief and Emergency Assistance Act, as Amended (Stafford Act), Title 42 of the United States Code (U.S.C.) § 5121 Public Law 93-288
- The National Response Framework (NRF) (FEMA, 2019b)
- Homeland Security Presidential Directive 5 (HSPD 5)
- National Response Framework
- ATC-45 report, *Field Manual: Safety Evaluation of Buildings after Windstorms and Floods*, (ATC, 2004)
- Federal Disaster Mitigation Act of 2000 (DMA 2000)

**OTHER AUTHORITY IS ESTABLISHED BY:**

- Commissioner’s Court – County Judge Presiding – 936-653-2199
- Local Precinct Commissioners:
  - Precinct 1 – 936-653-5045
  - Precinct 2 – 936-628-3267
  - Precinct 3 – 281-592-1109
  - Precinct 4 – 936-377-2481
  - Floodplain Administrator Supervisor (CFM)
- Disaster District 14 TDEM Coordinator – 936-208-3270
- FEMA – Texas Region 6
- National VOAD cooperatives – Red Cross and the Salvation Army.

**b. Ancillary SI/SD Authorities** - San Jacinto County has established the following agreements that enable the County to access external SI/SD resources in the event additional assistance is required:

- Texas Department of Emergency Management (TDEM)
- Federal Emergency Management Agency (FEMA)
- Deep East Texas Council of Governments (DETCOG)
- Texas Department of Transportation (Tx DOT)

**2. COMMUNITY ENGAGEMENT AND THE CURRENT STRUCTURE**

**a. Communication Methods** - The following communication methods are employed pre-and/or post-event to communicate permitting, damage determination and process information to the public:

- Public Hearings conducted by Elected Officials and Emergency Directors (County Judge, Precinct Commissioners, Sheriff’s Department, Floodplain Administrator, Emergency Manager, City Mayors, TDEM, Governor of Texas).
- Social Media by County Officials
- Radio News Spots
- Television News Spots
- Community Bulletin Boards
- News Papers
- San Jacinto County Permitting Office
- Face to face briefings

**b. Communication Post** - Event SI/SD information provided in post-event communication includes:

- Bulletins issued by the Permitting Office
- Direct face-to-face communication

- Public Hearings
- Commissioner’s Court hearings
- Social Media
- Appeals Board hearings and minutes

**c. Effectiveness of Communication Process Implementation**

- The effectiveness of the above-listed methods is evaluated by Elected Officials and representative Emergency coordinators.

**d. Emergency Management Cycle**

- **Prevention efforts** – flood control primarily through the interaction of development permit issuance to determine if proposed development is in or near a designated SFHA.
- **Mitigation efforts** – flood prevention in San Jacinto County depends on the establishment of BFE levels 2’ above the flood level for all residential and non-residential new construction and substantial improvements in effected zones. Further mitigation efforts are through the continued cleaning, mowing, and clearing of County designated drainage easements, culverts, and drainage routes for excess surface runoff.
- **Preparedness efforts** – primarily through adherence to the San Jacinto County Multi-Hazard Mitigation Plan (current version 2018). Continuing training in SI/SD procedures for key personnel. Preparedness measures also enhance disaster response operations.
- **Response** – activities begin immediately to give emergency assistance to individuals. Via Texas Government Code 418, the County Judge and Mayors have the responsibility to direct disasters and to adapt to the scale of the issue. EMS services are coordinated by the County’s Emergency Management Director who has both the authority and resources to respond to the size of the flooding problem, and to utilize personnel, force labor, contracted labor, County employees, volunteers, and other County Resources.
- **Recovery** – begins immediately at the local level and coordinated through both the County Commissioners and local Mayors.

**3. DETERMINING IMPACT AREA**

Immediately after an event, community officials (both Mayors and County Commissioners) will undertake an initial review of the extent of damage including a broad characterization of the number of buildings impacted and the level of anticipated damage. The Judge’s appointed Emergency Coordinator will review the Inventory of sites within the SFHA to be sure all sites have been reviewed for damage. The FPA will assist the EMC for Flood Plain issues/Guidance. If needed, the initial survey is followed by an official Preliminary Damage Assessment (PDA) coordinated by the local emergency manager and performed by teams from other elected officials, representatives from San Jacinto County building officials, building officials from

neighboring counties, County employees assigned to the tasks, force account labor, engineers, contractors, third party estimators, and if there is a large enough impact, TDEM, DETCOG and/or FEMA as well. San Jacinto County will use the results of the PDA to help identify significant damage and coordinate SI/SD inspections.

**a. Extent of Impacted Areas** - To determine the extent of the impact area, San Jacinto County will use first-hand reports by the Mayors and Commissioners, FPA and compile the data to assess the magnitude of the issue. Generally, this initial effort will be a windshield survey. Should the event warrant it, resources will be acquired to perform a flyover.

**b. Resources to Make Extent Determination** – Local Mayors and the Commissioners, FPA will use their own resources, contracts, local volunteers, groups, and businesses first.

- First responders, including police and fire personnel, perform initial assessments of buildings, cordon off areas with downed power lines and other hazardous conditions, and get injured people to appropriate medical care.
- If the response is not satisfactory, then they will draw on additional resources based on interlocal agreements and contracts.
- If this not satisfactory, then San Jacinto County will activate emergency response contracts and request State help. This will require the Judge to activate and to declare an Emergency in San Jacinto County.
- The PDA will be submitted to TDEM and then forwarded to FEMA Region 6.
- If criteria are met, FEMA, State, and Local Officials will conduct a more comprehensive PDA.

Under the NFIP guidance for SI/SD determinations, only properties with boundaries that overlap with the Special Flood Hazard Area (SFHA) are required for inspection, although in a disaster, more structures may be included. San Jacinto County will estimate the number of damaged structures using the following steps:

- Review the data base of SFHA structures and plan an inspection pattern
- Determine the numbers and locations of structures to be inspected by the initial reports from the Commissioners and Mayors
- Delineation of inspection boundaries on a FIRM or community map
- Sequence of inspections are determined, and teams developed
- Delineate inspection team assignments by area as determined by the Emergency Manager – making sure that each team has a smart device with capability for photos and GPS applications
- Guidance materials for inspectors, a safety briefing about dealing directly with potentially frustrated and angry citizens, SI/SD forms and workbooks, maps, and any other special instructions



**4. IDENTIFYING AVAILABLE PERSONNEL** People are to be selected for tasks based on training and availability during an emergency; San Jacinto County will utilize the following staff and/or departments to conduct damage assessments:

- Office of Emergency Management – 936-653-3395
- San Jacinto County Permit Office – 936-653-3823- Floodplain Admin (CFM)
- The San Jacinto County Engineer – 936-377-2899
- The respective County Commissioners (see above for number)
- Other County Officials as assigned by the Judge & Floodplain Administrator
- Other County Employees as assigned by elected Officials
- Volunteers, groups, and local businesses
- TDEM and DETCOG specialists
- FEMA specialists
- Outside Contractors and Consultants

The SI/SD team comprises the following positions and associated responsibilities:

- The teams and ancillary works will be organized by the Emergency Manager
- The field teams will be made of a minimum of two (2) people to ensure that no one works alone. No team will enter data directly into the SDE tool. All data will be recorded on the forms as delineated with the SDE Tool 3.0.
- Teams will cross-check each other, and at least one of the members will be trained in the use of the SDE Tool forms.
- At the appropriate time, teams will meet to disseminate accumulated data on the structures to the data entry leader

As part of San Jacinto County’s agreements identified in section 1 of this procedure document, the County will also utilize available personnel from outside resources to conduct damage assessments as needed.

- San Jacinto County will utilize outside resources, if necessary, as provided through these agreements when an event impacts any section of the County.
- Using the available resource equation, a time frame for the inspections will be determined using the general formula below (Section 5).

Training a designated coordinator in each precinct will ensure that all internal and external personnel involved in the SI/SD process who require emergency “just-in-time” training will receive such training.

The process/procedure for getting these resources trained is documented in several online sources:

<https://training.fema.gov/is/>

- Recommended courses include: IS-100.c, IS-235.c, IS-700.b, IS-10.a, IS-230.e, IS-234.b

- Other training aides include:
  - [https://www.fema.gov/sites/default/files/2020-08/fema\\_p\\_758\\_complete\\_r3\\_0.pdf](https://www.fema.gov/sites/default/files/2020-08/fema_p_758_complete_r3_0.pdf) Substantial Improvement/Substantial Damage Desk Reference
  - [https://www.fema.gov/sites/default/files/2020-07/fema\\_p-2055\\_post-disaster\\_buildingsafety\\_evaluation\\_2019.pdf](https://www.fema.gov/sites/default/files/2020-07/fema_p-2055_post-disaster_buildingsafety_evaluation_2019.pdf) Post-Disaster Building Safety Evaluation Guidance FEMA P-2055
  - <https://www.fema.gov/emergency-managers/risk-management/building-science/substantial-damage-estimator-tool> FEMA P-784
    - Substantial Damage Estimator (SDE) User Manual
    - Substantial Damage Estimator (SDE) Tool
    - Substantial Damage Estimator Best Practices
    - Substantial Damage Estimator Forms Combined
  - Other Training aides - <https://www.fema.gov/emergency-managers/risk-management/building-science/substantial-damage-estimator-tool>

The position/department responsible for updating and maintaining the training documentation for the County is the County Emergency Manager.

## 5. DETERMINING TIME FRAMES

San Jacinto County will calculate the time it will take to conduct SI/SD assessments using a variation on the below equation:

$$(\# \text{ Damaged Structures} \times 45 \text{ minutes/inspection and travel time}) \times 1/60 \text{ mins} = \text{Hrs needed}$$

From the “Hrs. needed” calculation, the number of teams and the need for outside personnel can be determined. The Judge will set the time frames for the County response. For each structure type to be assessed, San Jacinto County will determine the amount of time necessary for completing all SI/SD assessments.

**a. Threshold for Requesting Assistance** - In addition to accounting for varying conditions related to structure types and land use patterns, when estimating timeframes, San Jacinto County will identify other obstacles that may prevent the timely completion of assessments, such as areas with heavy debris blocking access, contamination of grounds, unsafe roads or access points, or gated communities. If the timeline calculated using the equation identified above estimates that SI/SD assessment cannot be completed within 2-4 weeks, then San Jacinto County will request external resources.

The position/department responsible for estimating this will be the Permit Office and the Director of Emergency Management. San Jacinto County will use the following inputs to estimate level of effort and duration. The process to estimate will be FEMA P-784 – SDE Tool 3.0.

**6. ESTABLISHING A SUBSTANTIAL IMPROVEMENT/SUBSTANTIAL DAMAGE DETERMINATION PROCESS AND METHODOLOGY** - Structures damaged between 50 and 100 percent are considered substantially damaged and are required to be brought into compliance with both the local rules and the local floodplain development regulations (Rules for Subdivisions - <http://www.co.san-jacinto.tx.us/upload/page/6917/SAN%20JACINTO%20RULES%20FOR%20SUBDIVISION%20AND%20DEVELOPMENT.pdf>) .

A structure that is damaged to 55 percent (e.g., of its market value) is not treated differently than a structure that is 90 percent damaged in terms of floodplain development regulations. San Jacinto County will determine these percentages based on the guidelines of FEMA P-784. Value data for the structures will be obtained through the San Jacinto County Appraisal District, or by using other available methods as delineated in FEMA P-758.

**Table 8-1: Potential Tax Data Used in the SDE Tool Category**

**Owner and Structure Location**

- Owner's first and last name
- Owner's telephone number
- Community name
- Zip code
- Official structure address
- Owner's mailing address if different from structure address
- County/parish name (for multiple communities in the same county/parish)
- Lot and parcel number

**Structure Information**

- Date of construction
- Date of improvements requiring building permits
- Number of dwelling units on the property
- Habitable area (in square feet) per structure
- Structure use (e.g., single-family home, manufactured housing, commercial use, public building)
- Structure style (number of stories, with or without basement)
- Construction type (e.g., wood frame, masonry)
- Foundation type
- Exterior material type (e.g., vinyl siding, brick veneer)
- Attached or detached garage
- Other structures on the same lot

**Assessed Building Value**

- Adjusted tax assessed structure value
- Date of last tax adjustment (to verify validity of the adjusted tax assessed value)

### **Preliminary Structure Determinations: Screening and Categorizing (All Damaged Structures)**

**a. Timeframe** – San Jacinto County will conduct preliminary structure evaluations within 2-4 weeks depending on the size of the event, access, safety of getting to the structure, and the cleanliness of the surrounding environment. San Jacinto County will conduct preliminary structure evaluations to classify damaged structures into the following categories: 0 to 40 percent damaged, 40 to 60 percent damaged, and 60 percent or more damaged. These initial classifications of damaged structures is based on the following criteria:

**b. Initial Screening** - After the preliminary evaluations, San Jacinto County will refine the delineation of the impact area and differentiate areas with structures that are between 40 and 60 percent damaged. A more refined method of cost estimation with probably require outside professional estimating to finalize the determination.

**c. Assigned Structures to Damage Percentage Categories Zero to 40%** - Damaged For structures that are less than 40 percent damaged, the process will not require permits for repairs unless the structure is in the SFHA. The waiving of fees will be determined by the Commissioner's Court.

**d. Greater than 60%** - Damaged For structures identified as more than 60 percent damaged, the process will require permits within or outside of the SFHA. The Commissioner's Court will determine if the fees will be waived depending on the extent of area damage and other considerations.

**e. Damaged 40%- 60%** - For structures that are more likely to be controversial in the 40-60 percent damaged range, the process will be to generate a more refined method of cost estimation that will probably require outside professional estimating to finalize the determination. A permit for repair will be required whether inside or outside of the SFHA, and the Commissioner's Court will determine whether the fees will be waived.

## **7. COMMUNICATING DAMAGE TO PARTNERS (Local/State/Federal)**

### **a. State Communications**

i. Position Responsible - The position responsible for communicating SI/SD information to State partners is the Emergency Manager and/or the Judge.

#### **State Partnering Agencies**

- TDEM
- DETCOG
- TxDOT
- The Office of the Governor

**Communication Method** As determined in section 4, and based on the equation developed in section 6, State partners will be contacted if the County cannot respond in a timely manner, or if it needs resources that are not locally available.

**b. Federal Communications**

**i. Position Responsible** - The position responsible for communicating SI/SD information to Federal partners is TDEM and/or the Judge.

**ii. Federal Partnering Agencies**

- FEMA
- National VOADs

**c. Communication Method** As determined in section 4, and based on the equation developed in section 6, Federal partners will be contacted as determined by TDEM and the Judge.

**8. COMMUNICATING SUBSTANTIAL IMPROVEMENT/SUBSTANTIAL DAMAGE INFORMATION TO STRUCTURE OWNERS**

**A. Determine Timeframe** - Residents will be notified of the SI/SD determination within 2-4 weeks of an SI/SD assessment as per the detailed process identified in section 5. Homeowners and Property owners shall have 30 days to respond and/or appeal. Any leeway in the response must first be requested by the owner and either approved or denied by the Appeals Board.

**B. Determine Delivery Method** – San Jacinto County will use the following means of communication for notifying structure owners of SI/SD determinations and the appeal process:

- A mailed Letter of Determination
- Face to face delivery of the Letter
- Email – if known
- Placards in common areas of heavily impacted zones
- Community bulletin boards
- Social media postings

**C. Location of Appeals Language** The SI/SD appeals process is documented in the San Jacinto County Rules for Subdivisions, as amended November 19, 2021

<http://www.co.san-jacinto.tx.us/upload/page/6917/SAN%20JACINTO%20RULES%20FOR%20SUBDIVISION%20AND%20DEVELOPMENT.pdf>

#### **D. Appeals Review Body**

San Jacinto County's appeals process allows for structure owners to voice dissent and potentially change the process and the determination. The community will also work to ensure SI/SD determinations are accurate, consistent, and defensible. The process includes review by third parties and independent consultants – if required. The outcome of any appeal will be documented in the Office of Emergency Management, the Appeals Board permanent records, The Appraisal District, and the Permitting Office.

#### **9. MONITORING AND REINTEGRATION**

Any external resources requested will be demobilized and the continuity of the SI/SD process will be maintained by the Emergency Manager, the Permitting Office, and the Appeals Board records.

#### **CERTIFICATION OF ADOPTION**

**Signed – Stamped Court Order, on next page dated November 19, 2021 on as Amended.**

San Jacinto Commissioners' Court  
ORDER  
ADOPTION OF FIRE CODE  
LGC- §233.61: and LGC 352

**WHEREAS**, Texas Local Government Code, Chapter 352 and LGC 233, Subchapter 11C” §233.061 thru §233.065; and LGC Chapter 232; Authorizes counties to adopt a fire code and the regulations necessary to administer and enforce it, including requiring building permits thru the International Fire Code (IFC) and International Building Code (IBC); and

**WHEREAS**, the Commissioners’ Court finds that adopting a fire code and requiring permits for the construction of commercial establishments, public buildings, and multi-family dwellings with four (4) or more units in the unincorporated areas of San Jacinto County, Texas allows the County to impose standards to protect the health and safety, welfare and property of the general public. This Code governs the safeguarding of life and property from fire and explosion hazards arising from the shortage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the occupancy of buildings and premises in Unincorporated San Jacinto County.

**WHEREAS**, the *International Fire Code, 2009 Edition*, published by the International Code Council, provides appropriate protective measures and continuity with other local governments in San Jacinto County and surrounding areas.

**WHEREAS**, the Commissioners’ Court has considered the proposed code and deems it appropriate to adopt it as the fire code for the unincorporated areas of San Jacinto County, Texas as San Jacinto County Fire Code in the Amended 2017 Subdivision Rules and Regulation Part 11, Appendix 5 Article 1; San Jacinto County Fire Code and noted in Part I; Appendix 3; Article 5, Non-Residential Section, Item #2.

**BE IT THEREFORE ORDERED** that, pursuant to Local Government Code(s) 352 and §233.061 et seq., a San Jacinto County Fire Code, and a copy of which is attached hereto and incorporated herein for all purposes adopted, to become effective 11/14/2017.

APPROVED and AMENDED, this 19<sup>th</sup> day of November, 2021.

\_\_\_\_\_ County Judge Fritz Faulkner  
\_\_\_\_\_ Pct. 1 Commissioner Laddie McAnally  
\_\_\_\_\_ Pct. 2 Commissioner Donnie Marrs  
\_\_\_\_\_ Pct. 3 Commissioner David Brandon  
\_\_\_\_\_ Pct 4 Commissioner Mark Nettuno

ATTEST: \_\_\_\_\_  
Dawn Wright, County Clerk



FEMA

January 28, 2022

The Honorable Fritz Faulkner  
Judge, San Jacinto County  
One State Highway 150 Room 23  
Coldspring, TX 77331

RE: National Flood Insurance Program

Dear Judge Faulkner:

The Federal Emergency Management Agency (FEMA) would like to advise you of the successful closure of the National Flood Insurance Program (NFIP) Community Assistance Visit (CAV) with San Jacinto County initiated on November 19, 2019. The CAV was conducted by FEMA Floodplain Management and Insurance Specialists Angela Harrison and Brian Bartley, who identified programmatic deficiencies which required corrective actions to maintain the continued availability of NFIP insurance policies within San Jacinto County.

The identified programmatic deficiencies include an ineffective substantial damage program, unpermitted development, and ineffective enforcement procedures. San Jacinto County's most recent correspondence to FEMA, dated January 10, 2022, described procedural adjustments completed during the CAV by David Brandon, Floodplain Administrator. This work addressed non-compliance for each of the 21 sites identified in the special flood hazard area tour and 124 sites identified by substantial damage assessments. These findings required procedural changes to meet NFIP minimum standards:

- Inform property owners of the requirement to obtain permits for repairs
- Conduct substantial damage assessments and administer appeals
- Determine the costs of repairs and market values for damaged structures
- Develop procedures to determine the substantial damage status of individual structures
- Track and monitor substantial damage determination letters to property owners
- Periodically inspect development to affirm compliance with issued permits, correct deficiencies and violations, and unpermitted development

These procedural changes allow San Jacinto County to maintain good standing and continued availability in the NFIP, increase awareness of flood risk throughout the community, improve resilience to flood risk, and identify mitigation opportunities that further reduce risk in your community.



The Honorable Fritz Faulkner  
January 28, 2022  
Page 2

The NFIP currently provides 403 NFIP flood insurance policies in force within San Jacinto County, affording \$107 million in coverage. Policyholders filed 402 claims since 1987, providing a cumulative claim payment history of \$7 million.

Thank you for the courtesies extended to FEMA throughout the CAV and assistance provided by the San Jacinto County. Please feel free to contact Brian Bartley at (202) 805-6676 or [brian.bartley@fema.dhs.gov](mailto:brian.bartley@fema.dhs.gov), for any floodplain management related items in the future.

Sincerely,



Charles Cook  
Floodplain Management and Insurance  
Branch Chief

cc: Yi Chan, CFM, Texas State NFIP Coordinator  
David Brandon, Floodplain Administrator for San Jacinto County, TX

## **Survey and Infrastructure Requirements for Manufactured Home Rental Communities**

### **Preamble:**

**Whereas**, the 76<sup>th</sup> State Legislature of the State of Texas has enacted legislation amending Section 232.007, Texas Local Government Code, Subsection (a) and adding Subsections (c) through (h) enabling Commissioners' Courts to adopt infrastructure requirements for Manufactured Home Rental Communities; and

**Whereas**, due notice was given of a meeting and public hearing to determine whether the Commissioners' Court of San Jacinto County, Texas should enact an order establishing infrastructure requirements for Manufactured Home Rental Communities; and

**Whereas**, the Commissioners' Court of San Jacinto County, Texas finds that the requirements enumerated below will help to ensure the safe ingress and egress of emergency vehicles, protect against loss of life and property in the event of flooding or other emergencies, and insure adequate water and wastewater facilities for the citizens of San Jacinto County, and

**Whereas**, the Commissioners' Court of San Jacinto County, Texas has considered the matter and deems it appropriate to enact this Order adopting minimum infrastructure requirements for Manufactured Home Rental Communities,

**Now, therefore**, be it resolved and ordered, that the Commissioners' Court of San Jacinto County, Texas adopts the following minimum infrastructure requirements for Manufactured Home Rental Communities:

Order of the Commissioners' Court: August 8<sup>th</sup>, 2006

**Section 1**  
**Definition of Affected Developments**

- 1.1 As used in this Order, the term “Manufactured Home Rental Community”, abbreviated as MHRC, means any plot or tract of land that is separated into two or more spaces that are rented, leased, or offered for rent or lease, for a term of less than 60 months without purchase option, for the installation of manufactured homes for use and occupancy as residences. “Manufactured Home” means any manufactured home or mobile home manufactured to the code or specifications of the Federal Department of Housing and Urban Development, and/or any residence as defined by Section 3 of the Texas Manufactured Housing Standards Act (Article 5221, Texas Civil Statutes); used collectively, the term “Manufactured Home” refers to both manufactured homes and mobile homes.
  
- 1.2 Definitions: Streets and Roads-A public road, a private drive, or any other avenue of ingress or regress intended to provide access to all or any part of the MHRC consisting of more than one space.

**Section 2**  
**Construction Start**

- 2.1 Construction of a proposed MHRC may not begin before an infrastructure Development Plan, if required, has been approved by the Commissioners’ Court, or by a county official or employee designated by resolution to act as an agent of the Court.

**Section 3**  
**Utility Hook-Ups**

- 3.1 A utility may not provide utility services, including water, sewer, gas, or electric services to an MHRC until a Final Survey and an Infrastructure Development Plan have been approved by the Commissioners’ Court.

**Section 4**  
**Final Survey and Infrastructure Development Plans Required**

- 4.1 The owner of a tract of land intended to be used as a MHRC shall have prepared and submitted to the County a Final Survey and an Infrastructure Development Plan (IDP). In the rare event that there will be no Infrastructure in the proposed MHRC, then only a Final Survey will be required. The owner shall submit eight (8) blue-line or blackline copies and two reproducible prints of the Final Survey, and shall submit eight (8) blue-line or blackline copies and two (2) reproducible prints of the IDP and eight (8) copies of supporting materials. All original

materials should have original seals and signatures of the Texas Registered Professional Land Surveyor and Texas Registered Professional Engineer who prepared them. The Final Survey and the IDP shall show or be accompanied by the following information.

- 4.1.1 **DRAWING REQUIREMENTS:** The north arrow, graphic scale and date shall be shown. The Final Survey and IDP shall be drawn on 24" x 36" sheets to a scale not exceeding one-inch equals two hundred feet (1" = 200'). The recording Final Survey and IDP shall be on permanent type material equivalent or superior to mylar. If the recording Final Survey and IDP is a photographic reproduction of a larger scale original, the reduction shall be no more than 50%. All figures and letters shown must be plain, distinct, and of sufficient size as to be easily read, no smaller Than 0.09 inches in height, and must be of sufficient density to make a lasting and permanent record. A vicinity map shall be included that shows the location of MHRC's in relation to major roads, towns, cities or topographic features. All county, city, school district, or special taxing districts that fall on or adjacent to the MHRC must be shown on the Final Survey and the IDP.
- 4.1.2 **MANUFACTURED HOME COMMUNITY DETAILS:** The name of the MHRC, graphic scale, north arrow, names of streets, and block and space boundaries and block and space numbers within the MHRC shall be shown. Adjacent property owners, subdivisions, and MHRCs shall also be shown and identified by owner's name and deed or plat reference.
- 4.1.3 **OWNER IDENTIFICATION:** The name, addresses, and telephone numbers of the owner or owners of a proposed MHRC, and the name, address and phone numbers of the surveyor or engineer responsible for the preparation of the Final Survey and IDP shall be shown. If the owner is a corporation, partnership or joint venture, the names and addresses of the corporate officers, partners or joint venturers shall be provided.
- 4.1.4 **BOUNDARY LINES:** The perimeter boundary of the community and each boundary or space shall be shown with bearings and distances, referenced to a corner of the Final Survey, IDP and in relation to original survey boundaries. The bearings and distances shall be shown with distances accurate to one-hundredth of a foot and bearings accurate to one-hundredth of a second degree. Curves shall be shown with curve length, radii, and chord bearing and distance. Any and all other information necessary to duplicate the Final Survey and IDP on the ground is required. The square footage or acreage to the nearest one-hundredth of each space must be shown hi each Final Survey and IDP. A table of space square

footage or acreage, the total square footage or acreage, and the total number of species must be shown.

- 4.1.5 **UTILITY SERVICE:** Each utility service shall approve the Final Survey and IDP in writing and provide the County with a letter certifying its approval and its ability to provide service to the MHRC.
- 4.1.6 **LAYOUT OF SPACES, EASEMENTS, and SETBACK LINES:** Location of lots, spaces, streets, roads, public highways, utility easements, parks, benchmarks, 100-year floodplain boundaries and other pertinent features, shall be shown by bearing and distance. The bearings and distances shall be shown with distances accurate to one-hundredth of a foot and bearings accurate to one-hundredth of a second of a degree. Curves shall be shown with curve length, radii, central angle and chord bearing and distance. Any and all other information necessary to duplicate the Final Survey and IDP on the ground is required. The location of drainage easements and other public rights-of-way or future rights-of-way shall be shown. The names and locations of all drives and roads shall be clearly shown, and shall be coordinated with the County's 911 Coordinator and to avoid confusion or duplication in street or drive names. A letter from the County's 911 Addressing Coordinator shall be provided to the County certifying street and drive name approval. One 911 address will be provided to the rental community, unit numbers are required to be assigned to and clearly marked for each rental space as shown on the Final Survey and IDP.
- 4.1.7 **ON-SITE SEWAGE:** If utilizing individual on-site sewage facilities, each lot must meet the requirements of the San Jacinto County Rules for On-Site Sewage Facilities. Lot numbers and block designations shall be shown on the IDP. Each lot shall have a minimum of 50 feet of road frontage.
- 4.1.8 **CERTIFICATION AND DEDICATION OF OWNER:** The Owner shall certify the dedication for public use forever all streets, alleys, utility and drainage easements, parks, and any other land dedicated for public use, on the first page of the IDP with signature and acknowledgement before a notary public.
- 4.1.9 **CERTIFICATION BY REGISTERED PROFESSIONAL LAND SURVEYOR:** The Texas Registered Professional Land Surveyor shall certify on the first page of the Final Survey and IDP that the survey correctly represents a survey made on the ground under his supervision, and the dimensions, bearings, acreage and other technical information shown on the Final Survey and IDP are precise and accurate. Final

Surveys and IDPs shall not be approved until all benchmarks are placed and placement is certified by the Surveyor.

- 4.1.10 **CERTIFICATION AND APPROVAL BY CITY:** Certification of approval signed by the appropriate representatives of any city having extraterritorial jurisdiction over the area in which the MHRC is located shall not be placed on the first page of the IDP. All information required by the city for approval, i.e., plans and specifications, shall also be submitted to the County along with the IDP.
- 4.1.11 **RESTRICTIONS OF COMMUNITY:** A copy of the Covenants, Conditions and Restrictions (CCRs), if any, within the MHRC shall accompany the IDP, and shall be notarized and filed for record in the office of the County Clerk.
- 4.1.12 **STATUS OF AD VALOREM TAXES:** Each owner or applicant shall provide tax certificate(s) demonstrating there are no delinquent taxes due or owed for any and all tracts containing the MHRC as furnished through the San Jacinto Tax Assessor/Collector's Office.
- 4.1.13 **STREET STANDARDS:** Streets shall be arranged and constructed so as to provide each manufactured home with direct access to an all-weather roadway suitable for two-way traffic. Street drainage, width, subgrade, base and driving surface shall be designed using good engineering practices consistent with the express purpose of, at a minimum, assuring speedy emergency access to each home or manufactured home in the community. "Flag Lots" or other contrivances which unduly inhibit proper road maintenance or result in lengthy private drives that are likely to restrict the practicable ingress and egress of emergency vehicles in all types of weather are prohibited. Drive plans, section profiles, and a prospective maintenance plan and schedule for all drives shall be attached as part of the IDP. One source of appropriate road specifications is the Road and Drainage Specifications contained as part of the San Jacinto County Subdivision and Development Rules.
- 4.1.14 **DRAINAGE STANDARDS:** In order to protect property and life, as provided for in Chapters 232.007 and 240.905 of the Texas Local Government Code, the IDP shall include a drainage plan, floodplain delineation, and floodway delineation, prepared in accordance with good engineering practices, identifying areas included in the 100-year floodplain as well as the proposed finished floor elevations of any manufactured homes to be placed in proximity to the floodplain. Finished floor elevations must be at least one (1) foot above base flood elevation. In

addition, the IDP must include a reasonable plan based on good engineering practices signed and sealed by a Texas Registered Professional Engineer to provide for adequate drainage for the MHRC without increasing the peak flow under post-development conditions for a 100-year storm event. In all MHRCs containing or adjacent to 100-year floodplain; benchmarks must be placed showing the elevation from Mean Sea Level as well as true latitude and longitude.

- 4.1.15 IMPROVEMENTS STATEMENT: Each IDP shall have the following note on the first page. "The paving, grading easements and/or drainage improvements associated with this IDP do not constitute acceptance of same for maintenance purposes by San Jacinto County." When IDP or drainage plans are provided, the engineer shall certify by signing and sealing on the first page of the FDP the following statement: "I, \_\_\_\_\_, a Texas Licensed Professional Engineer, do hereby affirm to the best of my knowledge information and belief and based upon the information provided, that the drainage improvements shown on this Infrastructure Development Plan are in accordance with good engineering practices, laws, and regulations and will not increase runoff above undeveloped conditions. I further declare that I will accept full responsibility for the integrity of the drainage design and will defend and hold harmless San Jacinto County from any claim or litigation arising from any errors, omissions, or other acts of negligence in the preparation of same."

### **Section 5 Final Survey and IDP Approval**

The Commissioners' Court of San Jacinto County, Texas shall approve or reject the Final Survey and/or IDP within 60 business days of its being submitted. Failure to reject the plan within the time prescribed shall constitute the County's acceptance of the plan as required by Section 232.007 of the Texas Local Government Code.

### **Section 6 Inspection and Confirmation of Construction**

The Commissioners' Court of San Jacinto County, Texas shall approve-or reject the IDP prior to the commencement of construction of any street, drainage or utility improvements. The Owner, or the owner's authorized agent, shall arrange a pre-construction meeting with the Precinct Commissioner and/or Designated Agent to discuss the timing and nature of inspections by the County during all phases of construction. The County may designate a private engineer, road contractor, testing company or other entity to serve as its agent for inspections. In any event, the applicant shall be required to pay for any reasonable testing requested by the County or Designated Agent. The final inspection shall occur no later than the second business day after the

owner delivers written confirmation that all improvements have been completed to the standards established in the IDP as required by Section 232.007 of the Texas Local Government Code. If the County determines that the infrastructure complies with the IDP, the County shall issue a certificate of compliance no later than the fifth business day after the date of the final inspection; or, where no inspection is required, no later than the fifth business day after the receipt of the owner's letter of completion. If the County determines that the infrastructure does not comply with the IDP, the MHRC may not be occupied until those deficiencies by the County are remedied to the satisfaction of the Commissioners' Court.

### **Section 7 Review Fees**

The County Clerk shall collect a fee of \$300 plus \$10 per rental space at the time the application is filed.

### **Section 8 Severability**

The various points and conditions enumerated in this Order are intended to stand alone as well as part of the larger Order, and, therefore, should any part of this Order be repealed by the Commissioners' Court or struck down by a court of law, the remaining parts, points, numbers and conditions of this Order shall remain in effect until expressly repealed or amended by the Commissioners' Court of San Jacinto County, Texas.



**APPENDIX 5  
INFRASTRUCTURE STANDARDS FOR  
MANUFACTURED HOME PARKS/RVs**

**PREAMBLE**

1. The Texas Legislature has enacted legislation, codified at Section 232.007, Local Government Code, enabling Commissioners' Courts to adopt standards for infrastructure for manufactured home rental communities.
2. Due notice was given of a public meeting on August 8, 2006 of the Commissioners' Court of San Jacinto County, Texas at which meeting the Court considered whether the Court should enact an order establishing infrastructure standards for manufactured home rental communities.
3. The Commissioners' Court of San Jacinto County, Texas finds that these requirements ensure safe access of fire and emergency vehicles, protect against flood damage to properties and possible loss of life, and ensure adequate water, wastewater and firefighting facilities.
4. The Commissioners' Court of San Jacinto County, Texas has considered the matter and deems it appropriate to enact an Order adopting minimum infrastructure standards for manufactured home rental communities.

**ORDER**

**A. DEFINITIONS**

1. Manufactured Home has the meaning assigned in the Occupations Code Sec. 1201. For purposes of applying the provisions of this Order, Manufactured Home shall include Mobile Home, HUD-Code Manufactured Home, and Manufactured Housing.
2. Manufactured Home Pad means that portion of a manufactured home space on which the manufactured home is placed; also, a Manufactured Home Stand or Manufactured Home Foundation.
3. Manufactured Home Park means a lot, plot or tract of land that is separated into four or more spaces that are rented, leased, or offered for rent or lease for a term of less than sixty months without a purchase option, for the installation of manufactured homes for use and occupancy as residences.
4. Manufactured Home Rental Community means Manufactured Home Park.
5. Manufactured Home Space means an area in a manufactured home park that is designed for and designated as the location for a single manufactured home and the exclusive use of its occupants.
6. In this Appendix, Park means Manufactured Home Park unless the context clearly indicates reference to outdoor recreation area or open space.

**B. INFRASTRUCTURE PLAN REQUIRED**

1. The owner of the land located outside the limits of a municipality who intends to use the land for a manufactured home park must have an infrastructure development plan prepared by a Registered Professional Engineer that complies with this Order.
2. Construction of a proposed manufactured home park may not begin before the date the county engineer or another person designated by the Commissioners' Court approves the infrastructure plan.
3. Not later than the 60<sup>th</sup> day after the date the owner of a proposed manufactured home park submits an infrastructure plan for approval, the County engineer or another person designated by the Commissioners' Court 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 by this subsection constitutes approval of the plan.
4. The Commissioners' Court may require inspection of the road and drainage infrastructure during or on completion of its construction. If a final inspection is required, the final inspection must be completed not later than the second business day after the date the Commissioners' Court or the person designated by the Commissioners' Court receives a written confirmation from the owner that the construction of the infrastructure is complete. If the inspector determines that the infrastructure complies with the infrastructure development plan, the Commissioners' Court shall issue a certificate of compliance no later than the fifth business day after the inspection is completed. If a final inspection is not required, the Commissioners' Court shall issue a certificate of compliance not later than the fifth business day after the date the Commissioners' Court or the person designated by the Commissioners' Court receives written certification from the owner that construction of the infrastructure has been completed in compliance with the infrastructure development plan.
5. A utility may not provide services, including water, sewer, gas, and electric services, to a manufactured home park subject to an infrastructure plan or to a manufactured home park unless the owner provides the utility with a copy of the certificate of compliance issued under this Order.
6. Tenants may not occupy rental spaces until all construction requirements of the approved infrastructure plan have been completed.

**C. FEES**

1. Fees for Infrastructure Plan review shall be based on the number of rental spaces and shall be the same as San Jacinto County Subdivision Review Fees for that number of lots.

**D. REQUIRED CONTENT OF INFRASTRUCTURE PLAN**

1. An Infrastructure Plan must include:

- a. A boundary survey of the lot or tract identifying the proposed development site adjoining public streets and their right of way width and easements.
- b. A site layout drawn to scale and showing location of all streets, water and wastewater lines, manufactured home spaces, existing and proposed utility easements and drainage easements, and floodplain boundaries.
- c. Reasonable plans and specifications prepared by a Licensed Professional Engineer to provide road improvements and drainage improvements in accordance with standard engineering practices, the San Jacinto County Road and Drainage Standards and the San Jacinto County Floodplain Development Regulations.

## **E. SITE DESIGN AND DEVELOPMENT STANDARDS**

1. A manufactured home park must be designed and constructed to comply with the following requirements:

### **a. Streets**

- i. A park must provide private, paved internal streets for ingress and egress access for fire and emergency vehicles and interior vehicular circulation of residents. Internal streets shall be designed for safe and convenient access to each space and to the common-use facilities for park residents.
- ii. All internal roads and associated drainage facilities shall be designed by a licensed professional engineer to meet the minimum paving standards of the San Jacinto County Road and Drainage Standards for Subdivisions and Development.
- iii. An internal street must have a minimum paved width of 24 feet.
- iv. An internal street must be continuous and connect with other internal streets or with public streets, or must end in a cul-de-sac.
- v. A cul-de-sac must have a minimum paved diameter of 90 feet. An internal street ending in a cul-de-sac may not exceed 300 feet in length.
- vi. A cul-de-sac island, when used, shall allow a one-way, one-lane minimum width of 14 feet or a two-lane minimum width of 24 feet. The minimum radius of a cul-de-sac island shall be 25 feet.
- vii. The internal streets and drainage system must be designed by a licensed professional engineer in compliance with the San Jacinto County Road and Drainage Standards for Subdivisions and Development and must be approved by the County Engineer before construction.
- viii. A park owner must install parking control signs and markings, and other traffic control devices in the park at the owner's expense.
- ix. Internal streets must be maintained by the owner free of cracks, holes or other hazards.

- x. Internal streets must be kept free of obstruction. The San Jacinto County Sheriff's Department may issue a citation for a violation of this paragraph and may impound vehicles occupying the park in violation of this division.
- xi. All streets in a park must be named and home spaces must be numbered to conform with block numbers on adjacent public streets. All street name signs must be of a reflective material and must be of a color contrasting with those on public streets.
- xii. Interior streets must intersect adjoining public streets at not less than 80 degrees and at locations that provide adequate sight distance and eliminate or minimize interference with traffic on the public streets.

**b. Access**

- i. A park must provide direct access to a public road or street with a right-of-way at least 60 feet wide.
- ii. A park containing more than 80 home spaces must provide a secondary point of access to a public road or street with a right-of-way at least 60 feet wide.
- iii. A secondary access point may be normally or periodically closed by a private gate, provided that the gates internal street is maintained free of other obstruction. A gated secondary access street shall have a cul-de-sac if more than two home spaces adjoin the street, which ends at a gate.
- iv. For any park containing more than 140 home spaces, the Commissioners' Court shall determine additional access requirements to ensure adequate and reasonable ingress and egress by emergency vehicles.

**c. Parking**

- i. At least one parking space measuring a minimum 10 feet by 20 feet must be located within each manufactured home space.
- ii. For every 3 home spaces that contain only one parking space each, one additional parking space must be located in a common parking area within the park. Common parking areas must be located throughout the park to provide reasonable and convenient access to all home space.
- iii. Common parking areas and vehicle parking spaces in a park must have access only to internal private streets.

**d. Drainage**

- i. A drainage plan in accordance with standard engineering practices which meets the standards and specifications of the San Jacinto County Subdivision and Development Regulations, and which identifies any area within 50 feet of the

project boundary that is designated Zone A on the Flood Insurance Rate Map (“the 100-year Floodplain”).

#### **e. Manufactured Home Spaces**

- i. Each home space should contain at least 2,500 square feet. A park should contain a minimum of 300 square feet of open space for each dwelling unit, with at least 200 square feet of open space being located within each home space.
- ii. House numbers of reflective material shall be placed at each home space. All street signs and house numbers in a park must be of standard size and placement to facilitate locating addresses by emergency vehicles.
- iii. The exposed ground surface in a park must be paved, covered with stone screening or other solid material, or protected with turf or other vegetative growth that is capable of preventing soil erosion and dust.

#### **F. POTABLE WATER SUPPLY**

1. The owner of a manufactured home park must provide an accessible, adequate, and safe potable water supply to the park. The owner must connect the park to a public water system or create a public water system as defined by the Texas Commission on Environmental Quality at 30 TAC 290.38; except, if the Commissioners’ Court finds that the park does not have the potential to serve at least 15 residential service connections on a year-round basis or will not serve at least 25 residents on a year-round basis, the owner may create a private community water system.
  - a. The owner must provide certification by the public water system that it will provide, and has the system supply and capacity to provide, safe and adequate water service.

#### **G. WATER DISTRIBUTION SYSTEM**

1. The infrastructure plan must include plans and specifications for the water distribution lines, meters and water system appurtenances, in accordance with Subchapter C, Chapter 341, Health and Safety Code.
  - a. Fire Fighting Facilities must be provided by the owner of a manufactured home park in accordance with Article [XX] of the San Jacinto County Regulations for Subdivisions and Development. In calculating the number of required fire fighting facilities, each manufactured home space shall be deemed to be a lot.

#### **H. SEWAGE DISPOSAL**

1. The owner of a manufactured home park must provide an adequate and safe sewage system to convey and dispose of sewage. The infrastructure plan must include plans and specifications for providing access to sanitary sewer lines, including specifying the

location of sanitary sewer lines in accordance with Chapter 366, Health and Safety Code, or for providing adequate on-site sewage facilities. All developments to be served by On-Site Sewage Facilities shall comply with 30 TAC 285.4, "Facility Planning" and Section, 285.5 "Submittal Requirements for Planning Materials" and the "San Jacinto County Rules for On-Site Sewage Facilities".

- a. Unless Specific prior approval is obtained from the Health Authority and the Texas Commission on Environmental Quality, sewage treatment effluent may not be discharged into any waters of the state.
- b. The owner of a park must provide each manufactured home pad with one sewer riser pipe with a nominal diameter of four (4) inches. The sewer riser pipe and other sewer connections must be installed and maintained in compliance with the applicable plumbing code. The owner of a park must plug the sewer riser pipe on a manufactured home space when no manufactured home occupies the space and divert surface drainage away from the riser.

#### **I. ELECTRICAL WIRING AND POWER LINES**

1. Electrical wiring and power distribution lines in a manufactured home park must be installed in compliance with the applicable electrical code.

#### **J. HEALTH AND SAFETY STANDARDS**

1. The owner of a manufactured home park shall provide for the storage, collection, and disposal of refuse in the park in a manner that does not create a health hazard, rodent harborage, an insect breeding area, an accident or fire hazard, or air pollution. The owner of a park shall maintain the park free of derelict vehicles and other objects or materials that may constitute risk to the health of residents.
  - a. The ground surface in a park must be graded and equipped to drain all surface water in a safe, efficient manner.

#### **K. FUEL SUPPLY AND STORAGE**

1. A natural gas piping system installed in a manufactured home park shall be installed underground and maintained in compliance with applicable codes. An owner that provides piped gas to a manufactured home pad shall cap the outlet in a manner that prevents the accidental discharge of gas and in compliance with the plumbing code when the outlet is not in use. A liquified petroleum gas system may not be installed in a park unless a retail natural gas system is not available within 1,000 feet of the park. A liquefied petroleum gas system shall be maintained in compliance with applicable state statutes and city codes.

#### **L. MANUFACTURED HOME LOCATION AND INSTALLATION**

1. A manufactured home shall not be located less than 15 feet nor more than 70 feet from a public street, an internal street or a common parking area, provided that not more than

three home spaces may share a paved driveway not less than 14 feet wide nor more than 150 feet long. No portion of a manufactured home using a shared driveway shall be more than 200 feet from an internal street or a public street.

- a. A manufactured home and any attached accessory structure must be located not less than 15 feet from another manufactured home or other structure.
- b. A manufactured home pad in a park must be installed in a manner that prevents the stand from heaving, shifting, or settling unevenly in the event of frost, inadequate drainage, vibration, floodwater or other force acting on the super-structure.

#### **M. MANUFACTURED HOME SUBDIVISIONS**

1. A manufactured home subdivision designed for a placement of manufactured homes or other dwellings on individually subdivided lots to be conveyed to separate owners, or otherwise meeting the definition of Subdivision in the San Jacinto County Regulations for Subdivisions and Development, must comply with those Regulations. A manufactured home subdivision is not a manufactured home park.

#### **N. LICENSE REQUIRED TO OPERATE A MANUFACTURED HOME PARK—**

*Reserved for Policy Development*

#### **O. ENFORCEMENT**

1. Enforcement; Penalties
  - a. Category of Offense-A person commits an offense if the person knowingly or intentionally violates a requirement of the Regulations, including the Road Design and Construction Specifications incorporated in these Regulations, the Rules of San Jacinto County for On-Site Sewage Facilities and any appendices attached to these Regulations. An offense under this provision is a Class B misdemeanor punishable by fine or imprisonment or both.
  - b. Enforcement Actions-At the request of the Commissioners' Court, the county attorney or other prosecuting attorney for the County may file an action in a court of competent jurisdiction to:
    - i. Enjoin the violation or threatened violation of a requirement established by or adopted by the Commissioners' Court under Regulations; or
    - ii. Recover damages in an amount adequate for the County to undertake any construction or other activity necessary to bring about compliance with a requirement established by or adopted by the Commissioners' Court under these Regulations.

**P. INFRASTRUCTURE STANDARDS FOR RECREATIONAL VEHICLES (RV) or  
OTHER READILY FABRICATED DWELLING(S) PARK—*Reserved for Policy  
Development***





*Fritz Faulkner*  
County Judge

Phone (936) 653-6331  
Fax (936) 653-3979

1 State Hwy 150, Room 3  
Coldspring, TX 77331

October 12, 2005

Texas Commission on Environmental Quality  
Attn: Reynold Berra  
On-Site Sewage Facility Team  
Via Fax: 512-239-6390

Re: Proposed Revised OSSF Order

Dear Mr. Berra,

Please review the updated proposed OSSF Order. The changes you recommended were changed, in addition, Section 10 was changed as approved in Commissioners Court.

If you have any questions, please give me a call.

Sincerely,

Tracy Novosad  
Court Coordinator to  
San Jacinto County Judge

Kathleen Hartnett White, *Chairman*  
R. B. "Ralph" Marquez, *Commissioner*  
Larry R. Soward, *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

October 7, 2005

The Honorable Fritz Faulkner  
San Jacinto County Judge  
San Jacinto County Courthouse  
P.O. Box 944  
Coldspring, Texas 77331

Re: Proposed Revised OSSF Order

Dear Judge Faulkner:

A preliminary review has been performed on your recently submitted OSSF order for San Jacinto County. Staff recommends approval of the proposed San Jacinto County order conditioned on the following changes:

- ✓ 1. Third "WHEREAS" paragraph of Preamble, change "Design Criteria" to "Rules";
- ✓ 2. Fifth "WHEREAS" paragraph of Preamble, change to read: "of a public meeting to determine";
- ✓ 3. Delete sixth "WHEREAS" paragraph;
- ✓ 4. SECTION 3, change to read: "On-Site Sewage Facilities";
- ✓ 5. SECTION 5, change to read: "will fully enforce Chapter 366 of the Texas Health and Safety Code and Chapters 7 and 37 of the Texas Water Code, and associated rules referenced in Section 8 of this Order.";
- ✓ 6. SECTION 7, change to read: "Any permit issued for an on-site sewage facility";
- ✓ 7. SECTION 8, change to read: "The Rules, Title 30 Texas Administrative Code (TAC) Chapter 285 and Chapter 30, attached hereto, promulgated by the Texas Commission on Environmental Quality for on-site sewage facilities";
- ✓ 8. SECTION 9, change to read: "The Rules, 30 TAC Chapters 30 and 285 and all future amendments and revisions thereto are incorporated by reference and are thus made a part of these Rules. A copy of the current Rules are attached to these Rules as Appendix I";
- ✓ 9. SECTION 10, no change;
10. SECTION 14, change to read: "Chapters 7, 26, and 37 of the Texas Water Code and 30 TAC Chapters 30 and 37 of the Texas Water Code and 30 TAC Chapters 30 and 285"; and

P.O. Box 13087 • Austin, Texas 78711-3087 • 512/239-1000 • Internet address: [www.tceq.state.tx.us](http://www.tceq.state.tx.us)


printed on recycled paper using soy-based ink

The Honorable Fritz Faulkner  
October 7, 2005  
Page 2, 2005

11. SECTION 16 should be deleted in entirety. These items are presented in Commission Rule 285.10(d).

With your approval of these changes, I will issue the County a notice to proceed with the formal approval of its order. If you have further questions, please contact me at (512) 239-4775.

Sincerely,



Reynolds Berra  
On-site Sewage Facility Team

**ORDER ADOPTING RULES OF SAN JACINTO COUNTY, TEXAS FOR  
ON-SITE SEWAGE FACILITIES**

**PREAMBLE**

WHEREAS, On August 11, 1998, San Jacinto County adopted an order establishing rules for on-site sewage facilities, which was approved by the Executive Director of the Texas Natural Resource Conservation Commission ("TNRCC"); and

WHEREAS, "TNRCC" has changed its name to Texas Commission on Environmental Quality ("TCEQ") and San Jacinto County's order needs to be updated to reflect the new name change;

WHEREAS, the Texas Commission On Environmental Quality has established rules for on-site sewage facilities to provide the citizens of this State with adequate public health protection and a minimum of environmental pollution; and

WHEREAS, the Legislature has enacted legislation, codified as Texas Health and Safety Code, Chapter 366, which authorizes a local government to regulate the use of on-site sewage disposal facilities in its jurisdiction in order to abate or prevent pollution, or injury to public health arising out of the use of on-site facilities; and

WHEREAS, due notice was given of a meeting and of a public meeting to determine whether the Commissioners Court of San Jacinto County, Texas should enact an order controlling or prohibiting the installation or use of on-site sewage facilities in the County of San Jacinto, Texas; and

WHEREAS, The Commissioners Court of San Jacinto County, Texas finds that the use of on-site sewage facilities in San Jacinto County, Texas is causing or may cause pollution, and is injuring or may injure the public health; and

WHEREAS, the Commissioners Court of San Jacinto County, Texas has considered the matter and deems it appropriate to enact an Order adopting Rules regulating on-site sewage facilities to abate or prevent pollution, or injury to public health in San Jacinto County, Texas:

Revised 10/2005

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF SAN JACINTO COUNTY, TEXAS:

SECTION 1. That the matters and facts recited in the preamble hereof are hereby found and determined to be true and correct:

SECTION 2. THAT the use of on-site sewage facilities in San Jacinto County, Texas is causing or may cause pollution or is injuring or may injure the public health;

SECTION 3. THAT an Order for San Jacinto County, Texas be adopted entitled "On-Site Sewage Facilities, which shall read as follows:

#### **AN ORDER ENTITLED ON-SITE SEWAGE DISPOSAL**

##### **SECTION 4. CONFLICTS**

All Orders or parts of the Orders of San Jacinto County, Texas not consistent with or in conflict with the provisions of this Order are hereby repealed.

##### **SECTION 5. ADOPTING CHAPTER 366**

The County of San Jacinto, Texas clearly understands the technical criteria, legal requirements, and administrative procedures and duties associated with regulating the on-site sewage facilities, does adopt and will fully enforce Chapter 366 of the Texas Health and Safety Code and Chapters 7 and 37 of the Texas Water Code, and associated rules referenced in Section 8 of this Order.

##### **SECTION 6. AREA OF JURISDICTION.**

- (a) The Rules shall apply to all the area lying in San Jacinto County, Texas Except for the area regulated under an existing Rule and the areas within incorporated cities.
- (b) These Rules shall apply to those incorporated cities or towns that have executed intergovernmental contracts with San Jacinto County, Texas.

##### **SECTION 7. ON-SITE SEWAGE FACILITY RULES.**

Any permit issued for an on-site sewage facility within the jurisdictional area of San Jacinto County, Texas must comply with the Rules adopted in Section 8 of this Order.

SECTION 8. ON-SITE SEWAGE FACILITY RULES ADOPTED.

The Rules, Title 30 Texas Administrative Code (TAC) Chapter 285 and Chapter 30, attached hereto, promulgated by the Texas Commission on Environmental Quality for on-site sewage facilities; are hereby adopted, and all officials and employees of San Jacinto County, Texas having duties under said Rules are authorized to perform such duties as are required of them under said Rules.

SECTION 9. INCORPORATION BY REFERENCE

The Rules, 30 TAC Chapters 30 and 285 and all future amendments and revisions thereto are incorporated by reference and are thus made a part of these Rules. A copy of the current Rules are attached to these Rules as Appendix I.

SECTION 10. AMENDMENTS.

The County of San Jacinto wishing to adopt rules for its On-Site Sewage Facility Order that are consistent with section 366.052 of the Texas Health and Safety Code, do hereby amend the previous order to provide that the rules contained herein do not apply to an On Site Sewage Disposal system of a single residence that is located on a land tract that is 10 acres or larger in which the field line or sewage disposal line is not closer than 100 feet of the property line.

SECTION 11. DUTIES AND POWERS.

The on-site sewage facility inspector of San Jacinto County, Texas is herewith declared the designated representative for the enforcement of these Rules within its jurisdictional area. The appointed individual(s) must be approved and certified by the Texas Commission On Environmental Quality before assuming the duties and responsibilities of the Designated Representative of San Jacinto County.

SECTION 12. COLLECTION OF FEES.

All fees collected for permits and/or inspections shall be made payable to San Jacinto County, Texas.

SECTION 13. APPEALS

Persons aggrieved by an action or decision of the designated representative may appeal such action or decision to the Commissioners Court of San Jacinto County, Texas.

SECTION 14. PENALTIES

This order adopts and incorporates all applicable penalty provisions related to on-site sewage facilities, which includes but is not limited to, those found in Chapters 7, 26, and 37 of the Texas Water Code and 30 TAC Chapters 30 and 37 of the Texas Water Code and 30 TAC Chapters 30 and 285; and

SECTION 15. SEVERABILITY

It is hereby declared to be the intention of the Commissioners Court of San Jacinto County, Texas that the phrases, clauses, sentences, paragraphs, and sections of this Order are severable, and if any phrases, clauses, sentences, paragraph, or section of this Order should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Order, since the same would have been enacted by the Commissioners Court without incorporation in this Order of such unconstitutional phrases, clause, sentence, paragraph or section.


SECTION 16. EFFECTIVE DATE.

This Order shall be in full force and effect from and after its date of approval as required by law and upon the approval of Texas Commission On Environmental Quality.

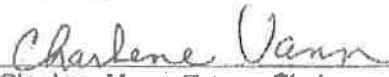
AND IT IS SO ORDERED:

PASSED AND APPROVED THIS 31st DAY OF March, 2006

APPROVED:

  
Fritz Faulkner, San Jacinto County Judge

ATTEST:

  
Charlene Vann, County Clerk

Texas Natural Resource Conservation Commission  
Chapter 285 – On-Site Sewage Facilities

§285.4. Facility Planning

- (a) Land planning and site evaluation. Land developments and land subdivided for building construction with will utilize OSSFs for sewage disposal shall be evaluated for overall site suitability and this submittal shall be reviewed and approved by the permitting authority prior to approval being granted for subdivision of the property. The following items shall be evaluated:

(1) Residential lot sizing.

- (A) General considerations. The failure of an OSSF may be caused by a large number of circumstances, including inadequate soil percolation, planning, installation, and misuse. The single most important factor concerning public health problems resulting from these failures is the residential dwelling density which is primarily a function of lot size. The failure of an OSSF in a highly populated area is the fundamental cause of public health hazards resulting from on-site sewage disposal. Failure of an OSSF provides a medium for the transmission of disease and the fact that many people are in the vicinity causes concern over the spreading of disease. OSSFs using soil absorption for effluent disposal are more likely to malfunction in high population density situations because the soil available to absorb or evaporate the effluent is limited. The failure of an absorption system on a small lot can be financially disastrous to the owner because the lot may not contain sufficient room to construct a new absorption field in a new location.
- (B) Platted or unplatted subdivisions served by a public water supply. Subdivisions of single-family dwellings platted or created after January 1, 1988, and served by a public water supply but utilizing individual OSSF methods for sewage disposal, shall provide for individual lots having surface areas of at least ½ acre, or shall have site-specific sewage disposal plan submitted by a registered professional engineer or registered sanitarian and approved by the permitting authority. The location of an OSSF under this paragraph shall be in accordance with §285.91(10) of this title (relating to Tables). In no instance shall the area available for such systems be less than two times the design area.
- (C) Platted or unplatted subdivisions served by individual water systems. In subdivisions platted or created after January 1, 1988, for single-family dwellings where each lot maintains an individual water supply well and an



OSSF, the sewage disposal plan shall show the approved well location and a sanitary control easement around the well within a 100-foot radius in which no subsurface sewage system may be constructed. A watertight sewage unit or lined evapotranspiration bed with leak detection capability may be placed closer to the water well than 100 feet, provided the permitting authority has granted a variance. To minimize the possibility of the transmission of waterborne diseases due to the pollution of the water supplied for domestic use, each lot in a subdivision shall contain no less than one acre, or shall have site-specific planning materials prepared by a registered professional engineer or a registered sanitarian and approved by the permitting authority. In no instance shall the area available for such systems be less than two times the design area.

- (2) Manufactured housing communities or multi-unit residential developments served by a central sewage collection system for on-site disposal. Manufactured housing communities or multi-unit residential developments which are owned and controlled by a person which rents or leases space may utilize smaller lots than stated in paragraph (1)(A) and (1)(B) of this subsection provided a sewage disposal plan addressing replacement area is submitted to the permitting authority and approved. Developments of this type which connect living units to a sewage collection system for on-site disposal, must provide planning materials for the system prepared by a registered professional engineer or registered sanitarian. The total anticipated sewage production for such property shall not exceed 5,000 gallons per day from the connected homes and the OSSF must conform to the definition of OSSFs in §285.2 of this title (relating to Definitions).
  - (3) Site evaluation. The subdivided property must be evaluated for soil suitability in accordance with §285.30 of this title (relating to Evaluation).
- (b) Approval of existing small lots or tracts. Existing small lots or tracts, subdivided prior to January 1, 1988, and not conforming to the minimum lot size requirements, may be approved for an OSSF provided the following conditions are met:
- (1) Minimum separation distances in §285.31 of this title (relating to Separation/Setback Requirements) are maintained; and
  - (2) The site has been evaluated by the site evaluator in accordance with §285.30 of this title (relating to Site Evaluation).
- (c) Review of subdivision or development plans. Persons proposing residential subdivisions, manufactured housing communities, multi-unit residential

developments, business parks, or other similar uses and utilizing OSSFs for sewage disposal must submit planning materials for these developments to the permitting authority. The planning materials must include an overall site plan, topographic map, 100-year floodplain map, soil survey, location of water wells, and complete report detailing the types of OSSFs to be considered and their compatibility with the area wide drainage and groundwater. A comprehensive drainage and 100-year floodplain impact plan must be included in these planning materials. Planning materials shall also address potential replacement areas. A response to the submitted planning material from the permitting authority will be provided within 45 days of receipt.

§285.5. Submittal Requirements for Planning Materials.

Planning materials required under this chapter shall be submitted to the permitting authority for review and approval in accordance with this section. All planning materials shall be in compliance with the provisions of this chapter and shall be submitted in accordance with of §285.91 (9) of this title (relating to Tables).

- (1) Submittal of planning materials by an owner or installer. For OSSFs not requiring planning materials to be submitted in accordance with paragraphs (2) and (3) of this section, an owner or installer must submit the appropriate planning materials for the proposed OSSF.
- (2) Submittal of planning materials by a registered professional engineer or registered sanitarian. OSSF planning materials shall be prepared and submitted by a registered professional engineer or registered sanitarian (with appropriate seal, date and signature) as follows:
  - (A) Proposals for treatment and/or disposal that are not standard as described in Subchapter D of this chapter (relating to Planning, Construction, and Installation Standards for OSSF Systems);
  - (B) Any OSSF proposed to serve manufactured housing communities, recreational vehicle parks, multi-unit residential developments which are owned or controlled by a person who rents or leases such space.
  - (C) Any OSSF for a structure not exempted by §20 of the Texas Engineering Practice Act shall have planning materials submitted by a registered professional engineer.

COUNTY OF SAN JACINTO

STATE OF TEXAS

AFFIDAVIT

Before me, the undersigned authority, personally appeared who, being by me duly sworn, deposed as follows:

My name is Charlene Vann, I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

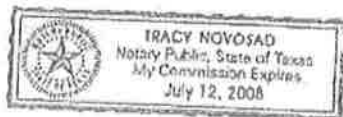
I am the custodian of the records for the County Clerks Office for the County of San Jacinto Texas. Attached hereto are seven (7) pages of records known as Order Adopting Rules of San Jacinto County, Texas for On-site sewage Facilities. These records are kept by me as County Clerk, County of San Jacinto in the regular course of business with knowledge of the act, event condition of San Jacinto in the regular course of business with knowledge of the act, event, condition, opinion, or diagnosis, recorded to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time or reasonable soon thereafter. The record attached hereto is the original or exact duplicate of the official record.

Charlene Vann  
Charlene Vann, County Clerk

BEFORE ME, the undersigned authority, a Notary Public in and for said County, Texas, on this day personally appeared Charlene Vann, known to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE 3rd DAY OF April, 2006.

Seal



Tracy Novosad  
Notary Public, State of Texas  
My Commission Expires: 7-12-2008

**SUBDIVISION APPLICATION**  
For San Jacinto County, Texas

This form must be filled out in its entirety and submitted along with all documents required by the San Jacinto County Subdivision and Development Rules.

Proposed Name of Subdivision: \_\_\_\_\_

Precinct in which the Subdivision Lies: \_\_\_\_\_

Precinct Commissioner: \_\_\_\_\_

Name of Property Owner: \_\_\_\_\_

Telephone No: \_\_\_\_\_ (Address) \_\_\_\_\_ (City) \_\_\_\_\_ (State) \_\_\_\_\_ (Zip)  
Alternate Phone No. \_\_\_\_\_

Date Plat Filed: \_\_\_\_\_

Total Acreage of Development: \_\_\_\_\_ Total Acreage of Lots: \_\_\_\_\_

Intended Use of Lots:

Residential: \_\_\_\_\_ Commercial/Industrial: \_\_\_\_\_

Total Number of Lots: \_\_\_\_\_ Smallest Lot's Acreage: \_\_\_\_\_

Frontage on Existing Road:

County Road: \_\_\_\_\_

State Road: \_\_\_\_\_

Other Road: \_\_\_\_\_

Property Address/Location: \_\_\_\_\_

Current Legal Description: \_\_\_\_\_

Current Land Area: \_\_\_\_\_ Acres

City ETJ:  Yes  No City Name: \_\_\_\_\_

Is there Floodplain within Subdivision Boundary?  Yes  No

School District(s): \_\_\_\_\_

New Roads in Development:

Public Roads: \_\_\_\_\_

Private Roads: \_\_\_\_\_

Source of Water: \_\_\_\_\_

(Public Water Supply, Rainwater Catchment, Private Well, Shared Well)

Anticipated Wastewater System: \_\_\_\_\_

(Conventional Septic System, Class I Permitted System, Collective Sanitary Sewer)

Final Plat with Streets or Drainage Improvements Only

Fiscal Security Type: \_\_\_\_\_

Fiscal Security Expiration Date (If applicable): \_\_\_\_\_

Note: See County Clerk for a list of County Officials (Judge, Commissioners and their addresses)

**UTILITY CHECKLIST**  
For San Jacinto County, Texas

This form must be filled out in its entirety and submitted with Infrastructure Development Plan Survey Application.

UTILITY CHECKLIST INSTRUCTIONS

Applicant must take copy of plat to each utility for review and comment to ensure coordination for any and all easements required as a condition of utility service or tract access. Original signatures required.

**ELECTRIC UTILITY:** Company Name: \_\_\_\_\_  
Contact Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
Approved As-Is: \_\_\_\_\_ Easement(s) Required: \_\_\_\_\_  
Describe Required Easement(s): \_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

**TELEPHONE UTILITY:** Company Name: \_\_\_\_\_  
Contact Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
Approved As-Is: \_\_\_\_\_ Easement(s) Required: \_\_\_\_\_  
Describe Required Easement(s): \_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

**WATER UTILITY (If Applicable):** Company Name: \_\_\_\_\_  
Contact Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
Approved As-Is: \_\_\_\_\_ Easement(s) Required: \_\_\_\_\_  
Describe Required Easement(s): \_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

**SEWER UTILITY (If Applicable):** Company Name: \_\_\_\_\_  
Contact Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
Approved As-Is: \_\_\_\_\_ Easement(s) Required: \_\_\_\_\_  
Define Required Easement(s): \_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

**TEXAS DEPARTMENT OF TRANSPORTATION (If frontage on state-maintained roadway):**  
Contact Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

**PRELIMINARY PLAT CHECKLIST**  
San Jacinto County, Texas

Subdivision Name: \_\_\_\_\_

**APPLICATION MATERIALS**

- Eight (8) blue line copies of plat
- Application fees
- Tax Certificate
- Letter from 911 Addressing Department  
(Approving road names)
- Completed subdivision application
- Letter of water/wastewater availability

**GENERAL INFORMATION**

**Comments**

- |  |                          |       |
|--|--------------------------|-------|
| Subdivision name                             | <input type="checkbox"/> | _____ |
| Boundary lines/total acreage                 | <input type="checkbox"/> | _____ |
| # of lots/size categories                    | <input type="checkbox"/> | _____ |
| Acreage & dimensions of lots                 | <input type="checkbox"/> | _____ |
| Parks, squares, greenbelts, schools, etc.    | <input type="checkbox"/> | _____ |
| Adjoining subdivisions/property owners       | <input type="checkbox"/> | _____ |
| Name & address of surveyor/engineer          | <input type="checkbox"/> | _____ |
| Name & address of owner/applicant            | <input type="checkbox"/> | _____ |
| Area map showing general location            | <input type="checkbox"/> | _____ |
| North arrow, scale, and date                 | <input type="checkbox"/> | _____ |
| Boundary lines of counties, cities, and ETJs | <input type="checkbox"/> | _____ |
| School district note or boundaries           | <input type="checkbox"/> | _____ |

Subdivision Name: \_\_\_\_\_

**FLOODPLAIN AND DRAINAGE INFORMATION**

**Comments**

- |  |                          |       |
|--|--------------------------|-------|
| Elevation Contours (10'/NGVD '83)      | <input type="checkbox"/> | _____ |
| FEMA flood hazard areas                | <input type="checkbox"/> | _____ |
| Additional 100-year flood contours     | <input type="checkbox"/> | _____ |
| 100-year flood benchmark & lat/long    | <input type="checkbox"/> | _____ |
| Drainage plan                          | <input type="checkbox"/> | _____ |
| Location & size of drainage structures | <input type="checkbox"/> | _____ |
| Streams, rivers, ponds, and lakes      | <input type="checkbox"/> | _____ |

**STREETS & RIGHT OF WAY INFORMATION**

- |   |                          |       |
|---|--------------------------|-------|
| Location, length, and ROW widths          | <input type="checkbox"/> | _____ |
| Location, size of easements/driveways     | <input type="checkbox"/> | _____ |
| # of feet road frontage on each lot       | <input type="checkbox"/> | _____ |
| Location of depth gauges (100-year flood) | <input type="checkbox"/> | _____ |

**WATER, WASTEWATER, UTILITIES INFORMATION:**

- |   |                          |       |
|---|--------------------------|-------|
| Electric, phone, gas, and utility providers | <input type="checkbox"/> | _____ |
| Location of utility easements               | <input type="checkbox"/> | _____ |
| Water & sewer utility providers             | <input type="checkbox"/> | _____ |
| On-site sewage facility planning report     | <input type="checkbox"/> | _____ |

**FINAL PLAT CHECKLIST**  
San Jacinto County, Texas

Subdivision Name: \_\_\_\_\_

**APPLICATION MATERIALS**

- Two (2) Mylar copies of plat
- Twelve (12) blue line copies of plat
- Electronic copy of plat   
(copy must be in dxf format in a version no earlier than one version from current)
- Application Fees
- Tax certificate(s)
- Letter from 911 Addressing Department   
(Approving road names)
- Completed subdivision application
- Utility Checklist
- Construction fiscal surety
- Letter of water/wastewater availability
- Construction plans for streets/drainage and   
construction cost estimate with engineer's  
seal and signature
- Geotechnical Report with engineer's seal and   
signature

**GENERAL INFORMATION**

Comments

- |                             |                          |       |
|-----------------------------|--------------------------|-------|
| Final plat requirements     | <input type="checkbox"/> | _____ |
| Bearings and dimensions     | <input type="checkbox"/> | _____ |
| Monumentation description   | <input type="checkbox"/> | _____ |
| Location to original survey | <input type="checkbox"/> | _____ |
| Lot and block numbers       | <input type="checkbox"/> | _____ |
| Acreage of all lots         | <input type="checkbox"/> | _____ |



Subdivision Name: \_\_\_\_\_

**FLOODPLAIN AND DRAINAGE INFORMATION**

Comments

100-Year benchmarks and finished floor elevations)

\_\_\_\_\_

100-Year monument lat/long

\_\_\_\_\_

**STREETS & RIGHT OF WAY INFORMATION**

Length type of streets

\_\_\_\_\_

Total area of ROW dedicated to public

\_\_\_\_\_

Homeowners road maintenance agreement

\_\_\_\_\_

Minimum driveway culvert size

\_\_\_\_\_

**WATER, WASTEWATER, UTILITIES INFORMATION:**

Viable percolation area

\_\_\_\_\_

Water supply warning statement

\_\_\_\_\_

Wastewater permit statement

\_\_\_\_\_

**OTHER PLAT NOTES:**

Development permit statement

\_\_\_\_\_

**INFRASTRUCTURE DEVELOPMENT PLAN AND FINAL SURVEY APPLICATION**  
For San Jacinto County, Texas

This form must be filled out in its entirety and submitted along with all documents required by the San Jacinto County Subdivision and Development Rules.

Proposed Name of Manufactured Home Rental Community: \_\_\_\_\_

Precinct in which the MHRC Lies: \_\_\_\_\_

Precinct Commissioner: \_\_\_\_\_

Name of Property Owner: \_\_\_\_\_

Telephone No: \_\_\_\_\_ (Address) \_\_\_\_\_ (City) \_\_\_\_\_ (State) \_\_\_\_\_ (Zip)  
Alternate Phone No. \_\_\_\_\_

Date Application Filed: \_\_\_\_\_

Total Acreage of MHRC: \_\_\_\_\_ Total Acreage of spaces: \_\_\_\_\_

Intended Use of Spaces: \_\_\_\_\_

Residential: \_\_\_\_\_ Commercial/Industrial: \_\_\_\_\_

Total Number of Spaces: \_\_\_\_\_ Smallest Square Footage: \_\_\_\_\_

Frontage on Existing Road: \_\_\_\_\_

County Road: \_\_\_\_\_

State Road: \_\_\_\_\_

Other Road: \_\_\_\_\_

Property Address/Location: \_\_\_\_\_

Current Legal Description: \_\_\_\_\_

Current Land Area: \_\_\_\_\_ Acres

City ETJ:  Yes  No City Name: \_\_\_\_\_

Is there Floodplain within Subdivision Boundary?  Yes  No

School District(s): \_\_\_\_\_

Source of Water: \_\_\_\_\_

(Public Water Supply, Rainwater Catchment, Private Well, Shared Well)

Anticipated Wastewater System: \_\_\_\_\_

(Conventional Septic System, Class I Permitted System, Collective Sanitary Sewer)

Infrastructure Plan with Streets or Drainage Improvements Only

Fiscal Security Type: \_\_\_\_\_

Fiscal Security Expiration Date (If applicable): \_\_\_\_\_

Note: See County Clerk for a list of County Officials (Judge, Commissioners and their addresses)

**INFRASTRUCTURE DEVELOPMENT PLAN CHECKLIST**  
San Jacinto County, Texas

Manufactured Home Rental Community (MHRC) Name: \_\_\_\_\_

**APPLICATION MATERIALS**

- Eight (8) blue line copies of IDP
- Tax certificate(s)
- Letter from 911 Addressing Department (Approving drive names)
- Completed IDP and Final Survey application
- Two (2) Mylar copies of IDP
- Electronic copy of Final Survey (Copy must be in dxf format in a version no earlier than one version from current)
- Construction plans for drives/drainage and construction cost estimate with engineer's seal and signature
- Geotechnical Report with engineer's seal and signature

**GENERAL INFORMATION**

**Comments**

- MHRC name  \_\_\_\_\_
- Boundary lines/total acreage  \_\_\_\_\_
- Number of spaces  \_\_\_\_\_
- Acreage/square footage and dimensions of spaces  \_\_\_\_\_
- Parks, squares, greenbelts, schools, etc.  \_\_\_\_\_
- Adjoining subdivisions/MHRC/property owners  \_\_\_\_\_
- Name and address or surveyor/engineer  \_\_\_\_\_
- Name and address of owner/applicant  \_\_\_\_\_
- Vicinity map showing general locations  \_\_\_\_\_

Manufactured Home Rental Community (MHRC) Name: \_\_\_\_\_

GENERAL INFORMATION (con't)

Comments

- |   |                          |       |
|---|--------------------------|-------|
| North arrow, scale and date                 | <input type="checkbox"/> | _____ |
| Boundary lines of counties, cities and ETJs | <input type="checkbox"/> | _____ |
| School district note or boundaries          | <input type="checkbox"/> | _____ |
| Bearings and dimensions                     | <input type="checkbox"/> | _____ |
| Location to original survey                 | <input type="checkbox"/> | _____ |
| Spaces and block numbers                    | <input type="checkbox"/> | _____ |
| Acreage of all spaces                       | <input type="checkbox"/> | _____ |

FLOODPLAIN AND DRAINAGE INFORMATION

- |   |                          |       |
|---|--------------------------|-------|
| Two – foot elevation contours (10' NGVD '83)      | <input type="checkbox"/> | _____ |
| FEMA flood hazard areas                           | <input type="checkbox"/> | _____ |
| FEMA 100-year floodplain boundary                 | <input type="checkbox"/> | _____ |
| 100-year flood benchmark and lat/long             | <input type="checkbox"/> | _____ |
| Drainage plan                                     | <input type="checkbox"/> | _____ |
| Location and size of drainage structures          | <input type="checkbox"/> | _____ |
| Streams, rivers, ponds, and lakes                 | <input type="checkbox"/> | _____ |
| 100-Year benchmark and finished floor elevations) | <input type="checkbox"/> | _____ |
| 100-Year benchmark with lat/long                  | <input type="checkbox"/> | _____ |
| Manufactured Home Rental Community (MHRC Name:    | <input type="checkbox"/> | _____ |

Manufactured Home Rental Community (MHRC) Name:

**STREETS & RIGHT OF WAY INFORMATION**

Comments

- |  |                          |       |
|--|--------------------------|-------|
| Location, length, and widths                         | <input type="checkbox"/> | _____ |
| Location, size of easements/driveways                | <input type="checkbox"/> | _____ |
| Number of feet street or road frontage on each space | <input type="checkbox"/> | _____ |
| Location of depth gauges (100-year flood)            | <input type="checkbox"/> | _____ |
| Minimum driveway culvert size                        | <input type="checkbox"/> | _____ |

**WATER, WASTEWATER, UTILITIES INFORMATION:**

- |   |                          |       |
|---|--------------------------|-------|
| Electric, phone, gas, utility providers | <input type="checkbox"/> | _____ |
| Location on utility easements           | <input type="checkbox"/> | _____ |
| Water and sewer utility providers       | <input type="checkbox"/> | _____ |
| On-site sewage facility planning report | <input type="checkbox"/> | _____ |
| Viable percolation area                 | <input type="checkbox"/> | _____ |
| Water supply warning statement          | <input type="checkbox"/> | _____ |
| Wastewater permit statement             | <input type="checkbox"/> | _____ |

**OTHER IDP NOTES:**

- |                              |                          |       |
|------------------------------|--------------------------|-------|
| Development regulations note | <input type="checkbox"/> | _____ |
| Certification of Engineer    | <input type="checkbox"/> | _____ |

**FINAL SURVEY CHECKLIST**  
San Jacinto County, Texas

Manufactured Home Rental Community (MHRC Name: \_\_\_\_\_)

**APPLICATION MATERIALS**

- Eight (8) blue line copies of Final Survey
- Application fees
- Tax certificate(s)
- Letter of water/wastewater availability
- Two (2) Mylar copies of IDP
- Electronic copy of Final Survey   
(Copy must be in dxf format in a version no earlier than one version from current)
- Utility Checklist

**GENERAL INFORMATION**

Comments

- |   |                          |       |
|---|--------------------------|-------|
| MHRC name                                       | <input type="checkbox"/> | _____ |
| Boundary lines/total acreage                    | <input type="checkbox"/> | _____ |
| Number of spaces                                | <input type="checkbox"/> | _____ |
| Acreage/square footage and dimensions of spaces | <input type="checkbox"/> | _____ |
| Parks, squares, greenbelts, schools, etc.       | <input type="checkbox"/> | _____ |
| Adjoining subdivisions/MHRC/property owners     | <input type="checkbox"/> | _____ |
| Name and address of surveyor/engineer           | <input type="checkbox"/> | _____ |
| Name and address of owner/applicant             | <input type="checkbox"/> | _____ |
| Vicinity map showing general locations          | <input type="checkbox"/> | _____ |
| North arrow, scale and date                     | <input type="checkbox"/> | _____ |
| Boundary lines of counties, cities and ETJs     | <input type="checkbox"/> | _____ |

Manufactured Home Rental Community (MHRC Name: \_\_\_\_\_)

**GENERAL INFORMATION (con't)**

Comments

- |                                    |                          |       |
|------------------------------------|--------------------------|-------|
| School district note or boundaries | <input type="checkbox"/> | _____ |
| Bearings and dimensions            | <input type="checkbox"/> | _____ |
| Location to original survey        | <input type="checkbox"/> | _____ |
| Lot and block numbers              | <input type="checkbox"/> | _____ |
| Acreage of all spaces              | <input type="checkbox"/> | _____ |

**FLOODPLAIN AND DRAINAGE INFORMATION**

- |   |                          |       |
|---|--------------------------|-------|
| Elevation contours (10'/NGVD '83)                 | <input type="checkbox"/> | _____ |
| FEMA flood hazard areas                           | <input type="checkbox"/> | _____ |
| FEMA 100-year floodplain boundary                 | <input type="checkbox"/> | _____ |
| 100-year flood benchmark and lat/long             | <input type="checkbox"/> | _____ |
| Drainage plan                                     | <input type="checkbox"/> | _____ |
| Location and size of drainage structures          | <input type="checkbox"/> | _____ |
| Streams, rivers, ponds, and lakes                 | <input type="checkbox"/> | _____ |
| 100-Year benchmark and finished floor elevations) | <input type="checkbox"/> | _____ |
| 100-Year benchmark with lat/long                  | <input type="checkbox"/> | _____ |

**OTHER FINAL SURVEY NOTES:**

- |                           |                          |       |
|---------------------------|--------------------------|-------|
| Certification of Surveyor | <input type="checkbox"/> | _____ |
|---------------------------|--------------------------|-------|

**SAN JACINTO COUNTY**

**REGULATIONS**

**for**

**SUBDIVISIONS**

**and**

**DEVELOPMENT**

**Part 2 - ROAD and DRAINAGE**

Fritz Faulkner  
Laddie McAnally  
Donny Marrs  
David Brandon  
Mark Nettuno

San Jacinto County Judge  
Precinct 1 Commissioner  
Precinct 2 Commissioner  
Precinct 3 Commissioner  
Precinct 4 Commissioner

November 19, 2021  
Adopted

Judge





**REGULATIONS**  
**for**  
**SUBDIVISIONS**  
**and**  
**DEVELOPMENT**

**Part 2 - ROAD and DRAINAGE**

Fritz Faulkner  
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San Jacinto County Judge  
Precinct 1 Commissioner  
Precinct 2 Commissioner  
Precinct 3 Commissioner  
Precinct 4 Commissioner

November 19, 2021  
Adopted

  
County Judge

Amended

\_\_\_\_\_  
Date

  
County Judge

## TABLE OF CONTENTS

### Regulations for Subdivisions & Development Part 2 – Road and Drainage

<b>Section 1 – Date of Effect and Applicability</b>	<b>Pg. 1</b>
<b>Section 2 – General Guidelines</b>	
2.1: General Engineering Standards	Pg. 2
2.2: General Review Requirements	Pg. 2-3
2.3: Engineer’s Construction Plan Requirements	Pg. 3-7
2.4: Engineer’s Drainage Report Requirements	Pg. 7-8
2.5: Street and Drainage Design Criteria	Pg. 8-10
<b>Section 3 – Specifications for Paving and Drainage Improvements</b>	
3.1: Excavations and Subgrade Preparation	Pg. 11-14
3.2: Embankment	Pg. 14-15
3.3: Flexible Base	Pg. 15-16
3.4: Two Course Surface Treatment	Pg. 17-19
3.5: Hot Asphaltic Concrete Pavement	Pg. 19-22
3.6: Portland Cement Concrete Pavement	Pg. 22
3.7: Drainage Facilities	Pg. 22-24
3.8: Channel Excavation	Pg. 24
3.9: Miscellaneous	Pg. 25
<b>Section 4 – Survey and Infrastructure Requirements for Manufactured Home Rental Communities</b>	
PREAMBLE	Pg. 26
4.1: Definition of Affected Developments	Pg. 27
4.2: Construction Start	Pg. 27
4.3: Utility Hook-Ups	Pg. 27
4.4: Final Survey and Infrastructure Development Plans Required	Pg. 27-30
4.5: Final Survey and IDP Approval	Pg. 30-31
4.6: Inspection and Confirmation of Construction	Pg. 31
4.7: Review Fees	Pg. 31
4.8: Severability	Pg. 31

## **SECTION 1**

### **DATE OF EFFECT AND APPLICABILITY**

#### **Standards & Specifications:**

Amended November 19, 2021; All other standards and specifications adopted prior are still in effect but contains the IFC 2009 located in the San Jacinto County Road and Drainage for Subdivisions & Development Part 2; Appendix 5Q as approved.

Future Expansion Policies are Designated as Reserved in the current Table of Contents (TOC) to be developed at a later date.

These standards and specifications, having been adopted by the San Jacinto County Commissioners' Court by an Order of the Court on the 9<sup>th</sup> day of September 2020 are declared to be in and of effect for all subdivision roadwork to commence on or after the 9<sup>th</sup> day of September 2020. These standards and specifications replace and supersede any and all guidelines, standards or specifications heretofore in effect in San Jacinto County, and shall be the sole basis of determining standards and specifications for Subdivisions commenced after the 9<sup>th</sup> day of September 2020, unless a specific variance is granted by Order of the Court, or these standards and specifications are amended or replaced by the Court and amendments noted on the "Record of Change" sheet.

## SECTION 2

### GENERAL GUIDELINES

#### General Note

All references to “TxDOT Standards” found hereinafter in this document shall mean the TxDOT 1993 Highway Standards or shall be considered to refer to the latest edition of ‘Standard Specifications for Construction of Highways, Streets and Bridges’ as adopted by the Texas Department of Transportation.

#### 2.1 General Engineering Standards:

In order to ensure the safe and proper construction design of new streets, driveways, storm sewer and drainage ways; construction drawings and specifications, prepared and certified by a Registered Professional Engineer licensed to practice in the State of Texas, shall be submitted for review and approval prior to land clearing and construction. Construction Plans should be submitted along with the Final Plat. A copy of the approved proposed plat shall be included in the construction plans.

All roads shall consist of drainage facilities, subgrade preparation, compacted flexible base material, and surface treatment, consisting of either Hot Mix Asphaltic Concrete (HMAC), or what is generally known as Two Course Chip Seal, unless otherwise specified by the County.

Drainage facilities shall be designed to convey a 25-year storm event and not more than six inches (6”) of water over the road in a 100-year storm event. All roads and streets shall be designed and constructed to withstand the impact of storm water being impounded adjacent to and flowing over the road or street. Streets or roadways that traverse defined areas of the 100-year floodplain shall not increase the water surface level or change the floodplain limits.

#### 2.2 General Review Requirements:

2.2.1 The Applicant must submit the following for review and approval: A set of construction drawings for site development, streets, drainage, utilities, and roadway signage plans.

2.2.2 An engineer’s drainage report providing the technical data related to drainage issues required for review of the proposed project. The report must be signed and sealed by the same engineer who prepared the construction plans.

2.2.3 A copy of a geotechnical report, signed and sealed by a Registered Professional Engineer, that reports the results of soil tests performed on the street subgrade materials, or of samples taken and submitted to a certified geotechnical laboratory (at a maximum spacing of 500’) showing the Atterberg Plasticity Index (PI) of the existing, in-place subgrade material.

- 2.2.4 Temporary and permanent erosion and sedimentation control methods installed for all areas disturbed by the construction; and
- 2.2.5 An engineer's construction cost estimate signed and sealed by the same engineer who prepared the construction plans. In addition, an engineer's summary letter shall be submitted outlining the nature of the project and any requests for the use of design standards other than those outlined herein.

**2.3 Engineer's Construction Plan Requirements:**

2.3.1 Cover Sheet. Show the following:

- (a) Subdivision name
- (b) Legal description
- (c) Name, address, and phone number of Owner, surveyor and engineering firm that prepared the plans
- (d) North arrow
- (e) Name of watershed(s)
- (f) Project location map, clearly identifying the precise construction location.
- (g) Tabulation sheet index
- (h) Legible Professional Engineer's seal, signature, and date of signature
- (i) The following note: "The Engineer who prepared these plans is responsible for their adequacy. In approving these plans, San Jacinto County must rely upon the adequacy of the work of the design engineer."
- (j) The following note: "I, \_\_\_\_\_, a Texas Registered Professional Engineer, certify that these plans are prepared in accordance with good Engineering Practices and the Road and Drainage Standards of San Jacinto County."

2.3.2 Notes Sheet. Show the following:

- (a) Applicable general construction notes.
- (b) Any applicable special notes.
- (c) Construction sequencing.
- (d) Standard Details.
- (e) Average Daily Traffic Counts.

2.3.3 Subdivision Plan Map Sheet. Showing a copy of the plat of the subdivision.

- (a) Scale, north arrow, and legend.
- (b) Detail information, as required on the plat for filing, will not be required on this map

- (c) Layout for road right-of-way, drainage easements, and location for other easements, encroachments or limiting items (streams, rivers) must be shown.

2.3.4 Erosion and Sedimentation Control Sheets. Show the following:

- (a) Scale, north arrow, and legend.
- (b) Proposed temporary erosion and sedimentation control and tree protection measures for street, drainage, and utility construction.
- (c) Stabilized construction entrance detail for location where construction vehicles will enter or exit directly onto public streets.
- (d) Survey and location of all trees six inches in diameter or greater which are proposed to remain within the limits of a clear zone or sight distance area, showing locations, diameters, and species. (Show methods to be used to preserve trees; i.e., boring, tree wells, guard rail, etc.
- (e) Permanent erosion control measures including revegetation, matting, and any erosion control methods not included on other plan sheets, such as riprap, gabions, retards, etc.
- (f) Proposed construction waste disposal must be approved by the Commissioner(s)/Designated Agent(s) in whose precinct(s) the proposed construction and disposal sites are located.
- (g) Legible Professional Engineer's seal, signature and date of signature.

2.3.5 Drainage Layout Sheets. Show the following:

- (a) Scale, north arrow, and legend.
- (b) Drainage layout of the subdivision or area of construction, distinguishable line delineating the limits of construction.
- (c) Existing adjoining street layout or other property adjacent to the project, including adjacent subdivision names.
- (d) Location of all existing drainage structures on or adjacent to the project.
- (e) Street names, lot and block numbers, and right-of-way lines.
- (f) Construction plans shall be drawn at a scale of 1" = 50' and shall contain contour lines based upon the following criteria, except in areas located within the 100-year floodplain (as indicated on current FEMA maps), where existing contours shall be shown at two-foot (2') or one-foot (1') intervals, depending upon the slope of the land under consideration for development.
  - (1) In those development areas where ground slopes are less than 5%, one-foot (1') contours are required;
  - (2) In those development areas where ground slopes are from 5% up to 20%, two-foot (2') contours are required; and
  - (3) In those development areas where ground slopes are greater than 20%, five-foot (5') contours are required.

- (g) Show entire upstream areas, existing drainage areas, and proposed drainage areas based on improvements and final grading.
- (h) Size in acres, Runoff Coefficient (C), and Time of Concentration (Tc) for each drainage area based on pre- and post-development conditions.
- (i) Arrows indicating drainage flow direction for streets and lots,
- (j) All high and low points,
- (k) Proposed drainage facilities.
- (l) All existing and proposed drainage easements as per Final Plat or by separate instrument, including volume and page information.
- (m) Existing and proposed 100-year floodplains for all waterways,
- (n) Clearly show limits of construction.
- (o) Location of applicable city limits, governmental entity, or County lines,
- (p) Legible Professional Engineer's seal, signature, and date of signature.

#### 2.3.6 Street Plan and Profile Sheets.

- (a) Plan. Show the following:
  - (1) The street name.
  - (2) Scale, north arrow, and legend.
  - (3) Stationing south to north or west to east with street layout directly over the profile stationing.
  - (4) Right-of-way and paving dimensions.
  - (5) Lot numbers, block numbers, and frontage dimensions.
  - (6) Street names within respective right-of-way.
  - (7) Existing or proposed easements and intersecting right-of-way.
  - (8) Centerline "TIC" marks every 50 feet.
  - (9) Drainage facilities within or intersecting right-of-way and indicate stationing on both sides of structure.
  - (10) Match lines on street plan sheets for continuation of streets on other sheets.
  - (11) Show proposed tie-in to existing streets.
  - (12) Sheet numbers for intersecting streets, and show full intersection, provide dimensions, and give street names.
  - (13) Plan view must transpose directly above profiles stationing when possible. (Station limits shown on the plan view must be the same as the station limits shown on the profile.)
  - (14) Clearly show the beginning and ending of the project.
  - (15) Clearly show all points of curvature (PC), points of tangency (PT), points of intersection (PI), and all relevant curve data with their corresponding station.
  - (16) Legible Professional Engineer's seal, signature, and date of signature.

(b) Profile. Show the following:

- (1) Scale and legend.
- (2) Even stations on vertical division lines.
- (3) Even elevations on horizontal division lines (in right and left margins).
- (4) Natural ground profiles at left and right right-of-way and street centerline.
- (5) Proposed barrow ditch flow lines.
- (6) Identify and give elements at all points of curvature (PC), points of tangency (PT), points of intersection (PI), vertical curve beginning points (PVC), vertical curve ending points (PVT), and vertical curve points of intersection (PVI).
- (7) Label all vertical curves with the following information: curve length, PVI station and elevation, tangent intercept, tangents and tangent grades, and design "K" values.

2.3.7 Construction Detail Sheets. Show the following:

- (a) Typical pavement design cross-section.
- (b) Safety end treatment details for culvert pipe ends within the roadway clear zone and riprap or headwall details.
- (c) Guardrail details if required.
- (d) Legible Professional Engineer's seal, signature, and date of signature.

2.3.8 Traffic Control Plan Sheet

A Traffic control plan is required for any construction conducted in public right-of-way, which may impede or has the potential to interrupt normal traffic flow. Show the following:

- (a) Street plan showing all traffic control device, taper distances, and traffic flow diagram.
- (b) The traffic control plan must be consistent with the Texas Manual on Uniform Traffic Control Devices (TxMUTCD).
- (c) Legible Professional Engineer's seal, signature, and date of signature.

2.3.9 Roadway Signing and Striping Plan Sheet.

A roadway signing and striping plan shall be submitted along with the street plans. Show the following:

- (a) Street plan showing the locations of all traffic control devices including signs, striping, and pavement markers.



- (b) All traffic control devices shall be fabricated and installed in accordance with the requirements of the Texas Manual on Uniform Traffic Control Devices (TxMUTCD).
- (c) Legible Professional Engineer's seal, signature, and date of signature.

#### 2.3.10 Utility Plans

Plans for water and wastewater utilities proposed by the developer to be located within the County right-of-way shall be designed by a Registered Professional Engineer, licensed to practice within the State of Texas, and shall conform to the standards and specifications established for that particular utility. The County review of Utility Plans will be for the purpose of verifying that appropriate details are used for street cuts, and traffic control, and utility placement within roadway rights-of-way. The Engineer of Record shall be solely responsible for the design of the utility improvements. The County will not review Utility Plans for the purpose of verifying that the design is done according to relevant utility design standards. A legible Professional Engineer's seal, signature, and date of signature are required on each sheet.

### 2.4 Engineer's Drainage Report Requirements:

- 2.4.1 The name of the subdivision or project.
- 2.4.2 The name and address and phone number of the engineering firm, which prepared the report, and the name of the design engineer.
- 2.4.3 A brief description of the scope of the project shall be made, including the name and classification of the relevant watershed.
- 2.4.4 A brief description of the Hydrologic Model (Rational Method, SCS, HEC 1, etc.) used and an explanation on why that model was chosen.
- 2.4.5 Provide the following for each drainage area:
  - (a) Area in acres (A)
  - (b) Time of Concentration (Tc)
  - (c) Rainfall Intensity (I) for the 2-year, 10-year, 25-year, and 100-year events, (I2, I10, I25, and I100).
  - (d) Runoff Coefficient (C) for the 2-year, 10-year, 25-year, and 100-year events, (C2, C10, C25, and C100) based on pre- and post-development conditions. Or SCS curve number depending on the hydrologic model used.
  - (e) Runoff flow volumes (Q) for the 2-year, 10-year, 25-year, and 100-year events, (Q2, Q10, Q25, and Q100).

- 2.4.6 If a computerized model is used provide printouts of the model's input and output. Otherwise clearly show all pertinent calculations.
- 2.4.7 All relevant culvert design calculations.
- 2.4.8 all relevant detention pond design calculations.
- 2.4.9 Legible Professional Engineer's seal, signature, and date of signature.

**2.5 Street and Drainage Design Criteria:**

The classification and construction standards for all streets shall be determined according to the Average Daily Traffic anticipated for the streets. The standards for paved streets are summarized in Table 2.5.1. In the absence of a traffic impact analysis with detailed average daily traffic counts (ADT), it shall be assumed that average daily traffic of 10 car trips per day per Subdivision Lot served for the road design.

Subdivision streets, collector streets, and/or arterial streets, created by the developers of new subdivisions, where traffic is likely to exceed the requirements of the standards and specifications included herein, may be subject to different or additional specifications based on the sole discretion of the Commissioners' Court. These specifications will be determined on a case-by-case basis, based on good engineering principles and standards provided for in the Texas Transportation Code and Chapter 232 of the Texas Local Government Code. Applicants who determine that their project is likely to exceed the requirements of the standards and specifications included herein, should prepare a proposed roadway plan that would adequately address the projected traffic load and should apply in writing for a meeting with their Precinct Commissioner, who may wish to confer with the County's consulting engineers. A legible Professional Engineer's seal, signature, and date of signature is required on each page of the proposed roadway plan. The Precinct Commissioner will place the issue on the Commissioners' Court agenda for a resolution of approval.

**Table 2.5.1  
Summary of San Jacinto County Road Standards**

Average Daily Traffic (one-way trips) <sup>2</sup>	100 <sup>10</sup>	101-2500	2501-5000	>5000
Functional Classification <sup>1</sup>	Neighborhood	Local	Collector	Arterial <sup>8</sup>
Design Speed	25 mph	35 mph	45 mph	
Number of Lanes	2	2	2	
Right-of-Way Width	50'	60'	70'	
Minimum Lane Width	9'	9'	9'	
Minimum Centerline Radius <sup>9</sup>	225'	450'	750'	
Minimum Tangent Length (Between Reverse or Compound Curves)	N/A	N/A	675'	
Minimum Radius (Edge of Pavement at Intersections)	25'	25'	25'	
Intersection Street Angle	80°-100°	80°-100°	80°-100°	
Maximum Grade <sup>4, 5</sup>				
Minimum Stopping Sight Distance	175'	250'	350'	
Minimum Intersection Sight Distance	250'	350'	450'	
Steepest Ditch Foreslope Grade <sup>6</sup>	3:1	4:1	4:1	
Guardrail Requirement <sup>7</sup>				
Minimum Cul-de-Sac ROW Radius	60'	60'	60'	
Minimum Cul-de-Sac Pavement Radius	45'	45'	45'	
Minimum Lot Frontage <sup>11</sup>	50'	50'	150'	
Minimum Driveway Spacing	50'	50'	150'	

**Notes to Table 2.5.1**

- 1 Any Deviation from these standards must be approved by the Commissioners' Court.
- 2 Lots restricted by plat note to one single family residence shall be presumed to generate 10 trips per day. Average daily traffic for all other lots shall be determined on a case-by-case basis.
- 3 Revegetation of disturbed areas within the new roads right-of-way is required.
- 4 Occasional short runs between intersections may exceed the amounts shown, with written approval from the Precinct Commissioner, maximum grades through intersections should not exceed amounts shown.
- 5 No Cul-de-Sac shall have a cross slope that exceeds six percent (6%).
- 6 The entire ditch shall be totally contained within the road right-of-way or a dedicated drainage easement.
- 7 Guardrails shall be designed and located in accordance with the latest edition of the Roadway Design Manual as adopted by TxDOT.
- 8 All elements including geometric layout and cross-section shall be approved on a case-by-case basis.
- 9 Super elevation requirements should meet the latest TxDOT Standards and requires the approval of the precinct Commissioner or his Designated Agent.
- 10 All lots shall be restricted by a plat note against further re-subdivision.
- 11 Provided that all lots meet land area requirements for on-site sewage facilities (such as septic tanks) established by San Jacinto County and the Trinity River Authority (TRA).

## SECTION 3

### SPECIFICATIONS FOR PAVING AND DRAINAGE IMPROVEMENTS

#### 3.1 Excavations and Subgrade Preparation

- 3.1.1 Description: The work to be performed under this specification will consist of excavation and grading necessary for preparation of right-of-way, road-bed subgrade, roadway shoulders and drainage ditches, and shall include the removal and satisfactory disposal of all trees, shrubs, brush, rock and other debris cleared within the right-of-way.
- 3.1.2 Construction Methods: After the work site has been properly cleared, excavation and grading may proceed in conformity with the plans and specifications, and as directed by a Geotechnical Report and the Precinct Commissioner or Designated Agent.
- (a) 6" Subgrade Stabilization. All subgrade material within the subdivision project that possesses an overall average Atterberg Plasticity Index (PI) above 15 up to 30, that is to be utilized directly beneath the roadway flexible base, shall be lime treated to a minimum compacted depth of six inches (6") in strict conformance to Item 260 Lime Treatment for Materials Used as Subgrade (Road Mixed) as contained in the "TxDOT Standards." Said lime treatment shall extend a minimum of two feet (2') beyond the edge of the pavement in all cases. Following the lime treatment of the subgrade, Geotechnical tests shall be performed at a minimum of once every five hundred feet (500') to ensure that the Atterberg plasticity Index (PI) has been reduced below fifteen (15).
- (b) 8" Subgrade Stabilization. All subgrade material within the subdivision project that possesses an overall average Atterberg Plasticity Index (PI) of 30 or greater, that is to be utilized directly beneath the roadway flexible base, shall be lime treated to a minimum compacted depth of eight inches (8") in strict conformance to Item 260 Lime Treatment for Materials Used as Subgrade (Road Mixed) as contained in the "TxDOT Standards." Said lime treatment shall extend a minimum of two feet (2') beyond the edge of the pavement in all cases. Following the lime treatment of the subgrade, Geotechnical tests shall be performed at a minimum of once every five hundred feet (500') to ensure that the Atterberg Plasticity Index (PI) has been reduced below (15).
- (c) Geotextile or Geogrid Use in Roadways: All subgrade material within the subdivision project that possesses an overall average Atterberg Plasticity Index (PI) of 30 or greater, that is to be utilized directly beneath the roadway flexible base, shall be lime treated to a minimum compacted depth of six

inches (6”) as in part (a) of this section and said lime treatment shall extend a minimum of two feet (2’) beyond the edge of the pavement in all cases. In addition to the lime stabilization, a Geotextile or Geogrid Material shall be used between the subgrade and the flexible base to provide an alternative for stabilization between these two layers.

- (1) Separation. The separation function refers to the separation of two, dissimilar soils. The primary function of the geotextile is to prevent intermixing of the two soils throughout the life of the structure. Geotextiles are commonly used for separation when used beneath roadway pavement sections, you may want to use some aggregate over certain sections of the road, in which case the principles described here still apply. Roadway pavements are basically structures for taking the high contact pressures from the vehicle tires and reducing that pressure through the depth of the pavement to a level that can be supported by the underlying soil. Pressure is dissipated down through the various layers of materials within the pavement. Over time, vehicle load pressure causes subgrade soils to migrate into the aggregate base of the pavement section. Contamination of the aggregate base by the subgrade results in the reduction of the effective base thickness to less than originally designed. Reduction of the base thickness results in a decrease in the load-carrying capacity of the aggregate base and a reduction in the pavement life. Geotextiles prevent the subgrade materials from migrating into the aggregate base, thus increasing pavement life.
- (2) Reinforcement. In the reinforcement function, the geotextile (or geogrid) is subjected to a sustained tensile force or load. Soil and rock materials are noted for their ability to withstand compressive forces and their relative low capacity for sustained tensile forces. In much the same way that tensile forces are taken up by steel in a reinforced concrete beam, the geotextile (geogrid) supports tensile forces that cannot be carried by the soil in a soil-geotextile system.
  - i. Woven Geotextile Materials. The 200 ST Woven Geotextile is a woven slit film polypropylene geotextile. The individual slit films are woven together in such a manner as to provide dimensional stability relative to each other. The construction of the geotextile makes it ideal for soil separation, stabilization, and reinforcement. Geotextile fabric shall be a woven or non-woven synthetic fiber fabric complying with AASHTO M 288.
  - ii. Geogrid Materials. The geogrid shall be made of Group 1, Class 1, Grade 2 polypropylene (ASTM D4101) arranged in a regular grid structure and with a geometry, which

permits significant mechanical interlock with the material being reinforced. The geogrid shall have a high continuity of tensile strength through all ribs and junctions. The geogrid shall have a high resistance to deformation under sustained long-term load and shall be resistant to damage under normal construction practices and to all forms of biological or chemical degradation normally expected in a clay or flex base material. The geogrid shall be of the biaxial type and shall conform to the minimum physical property requirements listed below. All values represent certifiable minimum values in the direction of reinforcement. Each roll of geogrid must meet or exceed these minimum test values. (M.D.-machine direction) (GRI-Geosynthetic Research Institute)

- (3) Geo-Material Installation Methods: The geo-material shall be stored in a dry condition and protected from exposure to direct sunlight. The surface to receive the geo-material shall be prepared to a smooth condition, free of obstructions and debris that may damage the fabric during installation. Geo-materials shall be laid so that the stronger direction of reinforcement is transverse to the roadway centerline. The geo-materials shall be overlapped a minimum of one foot (1') onto the next row of geo-material and it shall be pinned in place at the beginning of a section to prevent slippage, tied together along the overlap, or otherwise secured to prevent separation during subsequent fill or cover operations. Along the length of the project the geo-material shall remain free to relieve wrinkles or folds from occurring during fill placement. Placement of geo-materials around curves or corners may require cutting and diagonal lapping of the material. Geo-materials shall be covered, a minimum of four inches (4"), with fill material as soon as practical after being laid to protect the geo-material from equipment overrunning it. Damaged geo-material sections shall be repaired by over-placing a layer of geo-material that is large enough to cover the damaged area, allowing an overlap of one foot (1') in each direction to allow the locking of layers.
- (d) Alternate geo-materials will be considered. Such material must be pre-approved in writing by the Engineer prior to installation. Alternate material packages must be submitted to the Precinct Commissioner, or Designated Agent, or Engineer a minimum of fifteen (15) days prior to installation. Submittal packages must include, as a minimum, the following:

- (1) Full-scale laboratory testing and in-ground testing of pavement structures reinforced with the specific geo-material, which quantifies the structural contribution of the geo-material to the pavement structure. The increase in the structural layer coefficient of the base course must meet or exceed that of the design geo-material.
- (2) A list of five comparable projects, in terms of size and applications, in the U.S., where the results of the specific alternate geo-material use can be verified.
- (3) A sample of the geo-material and certified specification sheets.

3.1.3 Maintenance of the Finished Subgrade. The finished subgrade shall be maintained to the proper grade, cross section, and destiny by the Contractor until subbase or base material is placed on it. All such maintenance, including recompacting necessary as a result of precipitation or excessive drying, shall be the responsibility of the Contractor. All construction traffic shall be uniformly distributed over the subgrade.

3.1.4 Inspection. Prior to the installation of the base material, the compacted subgrade shall be inspected by the Precinct Commissioner or Designated Agent. The owner or agent shall notify the precinct Commissioner or Designated Agent at least forty-eight (48) hours prior to the time when the inspection is needed.

## 3.2 Embankment

3.2.1 Description: Embankments or roadway fills shall be constructed at the locations and to the lines and grades shown on the drawings, or as established. Materials placed in fill shall be free from vegetative matter, trash, and stone having a maximum dimension greater than six inches (6").

3.2.2 Construction Methods: Embankments shall be formed of excavated materials placed in successive layers of such widths and lengths as are suited for the sprinkling and compaction method utilized. Embankments shall be constructed in layers not exceeding six inches (6") in thickness after compaction. All road subgrade and embankments shall be compacted to a minimum density of ninety-five percent (95%) AASHTO T-99, Method D. The Contractor shall add moisture to, or shall dry by aeration, each layer as may be necessary to meet the requirements of this specification for compaction. Thorough mixing must be made of all material in each layer to obtain uniform moisture content. Compaction shall be accomplished with tamping rollers, discs, and pneumatic rollers. Soft ("pumping") areas that develop under construction operations shall be scarified, aerated, or moistened as required, and recompacted to the full depth required to obtain the specified density for each layer. Portions of embankments which are too near adjacent walls, pavements or other fixed objects to permit use of the



above specified rolling equipment for compacting, and other portions which mechanized equipment cannot reach for any reason, shall be thoroughly compacted by tamping in two-inch layers with mechanical hand tampers or other equipment as approved by the Precinct Commissioner or Designated Agent. Any damage to adjacent walls, pavements, or other fixed objects shall be replaced or repaired at the expense of the Contractor.

### **3.3 Flexible Base**

3.3.1 Description: This item shall consist of a foundation course for the asphaltic concrete or other paving, and shall be composed of crushed or uncrushed material constructed as herein specified in two or more four-inch (4") lifts or in one or six-inch (6") lifts in conformity with the typical sections shown on the plans and to the lines and grades established.

3.3.2 Materials: The flexible base shall be material from an approved source. Stabilization shall be provided as required by the construction plans and specifications. The flexible base material shall consist of crushed or uncrushed stone as necessary to meet the requirements herein and shall consist of durable coarse aggregate particles and binding materials. The material shall meet the requirements of a Type A or C, Grade 1 or 2 flexible base materials as defined in Item 247 Flexible Base of the "TxDOT Standards" latest edition in its entirety.

3.3.3 Localized Materials ("Iron Ore"): The material shall be from a County approved source. When properly slaked and tested by Standard Texas Department of Highways and Public Transportation laboratory methods, the flexible base "Iron Ore" material shall meet the following requirements:

Retained on 2 ½ "sieve	0%
Retained on 1 ¾ "sieve	0% to 10%
Retained on No. 4 sieve	0% to 10%
Retained on No. 40 sieve	40% to 85%

The material passing the #40 sieve shall be known as "soil binder" and shall meet the following requirements when prepared in accordance with Test Method TEX-101-E procedure:

Liquid Limit shall not exceed 35 Plasticity Index shall not exceed 12.

The base material proposed to be used shall be tested by an approved soil testing laboratory, from samples taken from a thoroughly mixed stockpile and the results of the test shall be submitted to the Precinct Commissioner or Designated Agent prior to use of the material.

3.3.4 Construction Methods: The base material shall be placed on the prepared subgrade in uniform courses with the total compacted thickness to be no less than six inches (6"). Material deposited on the subgrade shall be spread and shaped the

same day unless otherwise directed by the Precinct Commissioner or Designated Agent. The course shall then be sprinkled as required and rolled as directed until a uniform compaction is secured. Through this entire operation, the shape of the course shall be maintained by blading and the surface, upon completion, shall be smooth and in conformance with the typical sections shown on the plans and to the established lines and grades. All irregularities, depressions or weak spots that develop shall be corrected immediately by scarifying the area affected, adding suitable material as required, reshaping and recompacting by sprinkling and rolling. Material excavated in preparation of the subgrade may be utilized in the construction of adjacent shoulders and slopes or otherwise disposed of as directed. Any additional material required for the completion of the shoulders and slopes shall be secured from approved sources designated by the Precinct Commissioner or Designated Agent. Each course of base shall be compacted to a minimum density of 100 percent (100%), according to TxDOT Test Method TEX-113-E. After final compaction, a field density test shall be required at intervals no less than 300 feet, at locations representative of the entire road base. Intermediate points will be tested if required by the Precinct Commissioner or Designated Agent. The cost of these tests shall not be borne by the County.

- (a) A minimum compacted thickness of six inches (6") of flexible base material (Section 3.3.2 or 3.3.3 herein) shall be required for placement on compacted subgrade for all roadways where the PI is <30; or a minimum compacted thickness of eight inches (8") of flexible base material where the PI is >30; or geogrid materials may be utilized in addition to six inches (6") of flexible base where the PI is >30. Where the compacted thickness is six inches (6") it shall be placed in one lift, and where the compacted thickness is eight inches (8") or more the base materials shall be placed in four-inch (4") lifts.
- (b) A minimum compacted thickness of twelve inches (12") of flexible base material (Section 3.3.2 or 3.3.3 herein) is encouraged for placement on compacted subgrade for all roadways determined by the County to be a Collector or Arterial roadway, according to a master development plan for that portion or Precinct of the County.

3.3.5 Thickness Control: The thickness of the compacted flexible base may not vary more than a maximum of one-half inch (1/2") from the specified thickness of the base material. Deviations not within this tolerance shall be corrected.

3.3.6 Inspection: Prior to the installation of the paving, the compacted base material shall be inspected by the Precinct Commissioner or Designated Agent. The Owner or agent shall notify the Precinct Commissioner or Designated Agent forty-eight (48) hours prior to the time when the inspection is needed.

### 3.4 Two Course Surface Treatment

3.4.1 Description: This item shall consist of a wearing surface composed of two applications of asphaltic material, each covered with aggregate constructed on the prepared base course as herein specified and in accordance with the details shown on the plans. All specifications in this item shall be in conformance with Item 316 Surface Treatments of the “TxDOT Standards”, which includes the following:

- Item 300 Asphalts, Oils and Emulsions;
- Item 302 Aggregate for Surface Treatments; and
- Item 303 Aggregate for Surface Treatments (Lightweight).

A two-course surface treatment shall not be applied when the air temperature is below 60 degrees F, or when it is anticipated that the air temperature will fall below 50 degrees F within twenty (20) days following application. Air temperature shall be taken in the shade and away from artificial heat. Asphaltic material shall not be placed when general weather conditions, in the opinion of the Precinct Commissioner or Designated Agent, are not suitable.

3.4.2 Materials: Aggregates are to be composed of sound and durable particles of gravel, crushed gravel, crushed stone, crushed slag, or natural limestone rock asphalt. These materials shall contain no more than one percent (1%) by weight of organic matter other than native bitumen, clays, loam or pebbles coated therewith and shall not contain more than five percent (5%) by weight of any combination of slate, shale, or soft particles of sandstone when tested in accordance with Test Method TEX-217-F. The percent of wear on natural rock asphalt determined by Test Method TEX-410-A shall be made on that portion of the material retained on the No. 4 sieve, having naturally impregnated asphalt content of less than one percent (1%). When tested by Test Method TEX-200-F the percent by weight shall be as follows:

CLASS B:	TYPE B	
Grade 3	Retained on 3/4" sieve	0
	Retained on 5/8" sieve	0-2
	Retained on 1/2" sieve	20-25
	Retained on 3/8" sieve	85-100
	Retained on 1/4" sieve	95-100
	Retained on No. 10 sieve	99-100

Application Rate      Min. 1 cubic yard covers 80 square yards, (1:80)  
    Max. 1 cubic yard covers 100 square yards, (1:100)

Grade 4	Retained on 3/4" sieve	0
	Retained on 5/8" sieve	0-2
	Retained on 1/2" sieve	20-25
	Retained on 3/8" sieve	85-100
	Retained on 1/4" sieve	95-100
	Retained on No. 10 sieve	99-100

Application Rate      Min. 1 cubic yard covers 90 square yards, (1:90)  
    Max. 1 cubic yard covers 110 square yards, (1:110)

Asphaltic materials shall be AC-5 Asphaltic Cement or HFRS-2 High Float Anionic Emulsion as specified by Item 300 of the "TxDOT Standards". Application temperature for AC-5 shall be between 275 degrees F and 325 degrees F and for HFRS-2 shall be between 110 degrees F and 150 degrees F. Rate of application shall be 0.35-0.45 gallons per square yard for the first course and 0.25-0.35 gallons per square yard for the second course. HFRS-2, if used, shall be applied at the upper end of these application rates.

3.4.3 Construction Methods: The flexible base area to be treated shall be cleaned of dirt, dust and other deleterious matter by sweeping or other approved methods. If it is found necessary by the Precinct Commissioner or Designated Agent, the surface shall be lightly sprinkled with water just prior to the first application of asphaltic material. Asphaltic material of the type and grade shown on the plans for the first course shall be applied on the clean surface by an approved type of self-propelled pressure distributor so operated as to distribute the material in the quantity specified, evenly and smoothly, under a pressure necessary for proper distribution. The Contractor shall provide all necessary facilities for determining the temperature of the asphaltic material in all of the heating equipment and in the distributor, for determining the rate at which it is applied, and for securing uniformity at the junction of two distributor loads. The distributor shall have been recently calibrated, and the Precinct Commissioner or Designated Agent shall be furnished a current, accurate and satisfactory record of such calibration. After beginning work, should the yield of the asphalt material appear to be in error, the distributor shall be recalibrated in a manner satisfactory to the Precinct Commissioner or designated Agent before proceeding with the work. Asphaltic material for each course may be applied for the full width of the surface treatment in one application, unless the width exceeds twenty-six feet (26'). No traffic or hauling will be permitted over the freshly applied asphaltic material until immediate covering is assured. The Contractor shall be responsible for the proper preparation of all stockpile areas before aggregates are placed thereon, including leveling and cleaning of debris necessary for the protection of the aggregate to prevent any contamination thereof.

All storage tanks, piping, retorts, booster tanks and distributors used in storing or handling asphaltic materials shall be kept clean and in good operating condition at all times and they shall be operated in such a manner that there will be no contamination of the asphaltic material with foreign material. It shall be the responsibility of the Contractor to provide and maintain in good working order a recording thermometer at the storage heating utility at all times. Aggregate, of the type and grade shown on the plans for the first course, shall be immediately and uniformly applied and spread by approved self-propelled continuous feed aggregate spreader, unless otherwise shown on the plans or authorized by the Precinct Commissioner or Designated Agent in writing. The aggregate shall be applied at the approximate rates indicated on the plans and as directed by the Precinct Commissioner or Designated Agent. The Contractor shall be responsible for the maintenance of the surface of the first course until the second course is applied.

The entire surface shall be broomed, bladed or raked as required by the Precinct Commissioner or Designated Agent and shall be thoroughly rolled with power rollers, self-propelled type, weighing not less than 6 tons nor more than 12 tons. All wheels shall be flat.

In lieu of the rolling equipment specified, the Contractor may, upon written permission from the Precinct Commissioner or Designated Agent, operate other compacting equipment that will produce equivalent relative compaction in the same period of time as the specified equipment. If the substituted compaction equipment fails to produce the desired compaction within the same period as would be expected of the specified equipment, as determined by the Precinct Commissioner or Designated Agent, its use shall be discontinued.

Rollers shall be maintained in good repair and operating condition and shall be approved by the Precinct Commissioner or Designated Agent.

The second course shall consist of asphaltic material and aggregate of the type and grade indicated on the plans for the second course. The asphaltic material and aggregate for this second course shall be applied and covered in the manner specified for the first application. The surface shall then be broomed, bladed or raked as required by the Precinct Commissioner or Designated Agent and thoroughly rolled as specified for the first course. Asphaltic materials and aggregates for both courses shall be applied at the approximate rates indicated on the plans and as directed by the Precinct Commissioner or Designated Agent. The Contractor shall be responsible for the maintenance of the surface until the work is accepted by the Precinct Commissioner or Designated Agent.

### **3.5 Hot Asphaltic Concrete Pavement**

- 3.5.1 Description: This item shall consist of a surface course to be composed of a compacted mixture of aggregate and asphaltic material to be constructed on the previously complete base as herein specified, and in accordance with the details

shown on the plans and in accordance with Item 340 Hot Mix Asphaltic Concrete Pavement of the “TxDOT Standards”.

- 3.5.2 Materials: Pavement shall meet the requirements of Item 340 of the “TxDOT Standards” for Hot Mix Asphaltic Concrete Pavement (Class A), Type “C”, or for Hot Mix Asphaltic Concrete Pavement (Class A), Type “D” as follows:

Type “C” (Course-Graded Surface Course):

	Percent by Weight 100%
Passing 7/8” sieve	100%
Passing 5/8” sieve	95 to 100%
Passing 3/8” sieve	70 to 85%
Passing No. 4 sieve, Retained on No.10 sieve	43 to 63%
Passing No. 10 sieve, Retained on No. 40 sieve	30 to 40%
Passing No. 40 sieve, Retained on No. 80 sieve	10 to 25%
Passing No. 80 sieve, Retained on No.200 sieve	3 to 13%
Passing No. 200 sieve	1 to 6%

Type “D” (Fine-Graded Surface Course):

	Percent by Weight 100%
Passing 1/2” sieve	100%
Passing 3/8” sieve	85 to 100%
Passing No. 4 sieve, Retained on No. 10 sieve	50 to 70%
Passing No. 10 sieve, Retained on No. 40 sieve	32 to 42%
Passing No. 40 sieve, Retained on No. 80 sieve	11 to 26%
Passing No. 80 sieve, Retained on No. 200 sieve	4 to 14%
Passing No. 200 sieve	1 to 6%

The asphaltic material shall consist of from 4.0 percent to 8.0 percent of the mixture by weight unless specified otherwise on the plans. Asphalt for the pavement mixture shall be asphalt cement (AC-5 or AC-10), which shall meet the requirements of Item 300 of the “TxDOT Standards”.

The asphalt materials for tack coat shall meet the requirements for cut back asphalt, RC-250. Asphalt for prime coat shall be MC-30, AEP or SS-1. All asphalt materials shall meet the requirements of Item 300 of the “TxDOT Standards”. The Coarse and Fine Aggregates shall meet the requirements of Item 340.2 of the “TxDOT Standards”.

- 3.5.3 Construction Methods: Before the asphaltic concrete is placed, the surface on which the mixture is to be placed shall be thoroughly cleaned and the prime coat of MG-30, AEP or SS-1 applied as directed with sprayer at the rate of 0.20 gallons minimum per square yard of surface. The asphaltic concrete mixture, heated and prepared as specified, shall be hauled to the project in tight vehicles

previously cleaned of all foreign material. The mixture shall be at a temperature of 200° F to 235° F when laid. The Precinct Commissioner or designated Agent will determine the lowest temperature and a variance of 30° F upward will be allowed. It shall be spread into place with an approved mechanical finishing machine to the compacted depth shown on the plans.

The minimum thickness standard for Hot Mix Asphaltic Cement, if selected, should not be less than one and one-half inches (1 ½") after compaction. The finishing machine shall be of the screening and/or tamping type. While still hot, as soon as it will bear the roller without undue displacement or hair cracking, the surface shall first be compressed thoroughly and uniformly with acceptable power-driven three-wheel tandem rollers weighing from 8 to 10 tons. Subsequent compression shall be obtained by starting at the sides and rolling longitudinally toward the center of the pavement, over-lapping on successive trips by at least one-half (1/2) of the width of the rear wheels. Alternate trips of the roller shall be slightly different in lengths. Rolling shall be continued until no further compression can be obtained and all roller marks are eliminated. To prevent adhesions of the surfacing mixture to the roller, the wheels shall be kept properly moistened with water, but excess use of water will not be permitted. A double coverage surface after flat wheel and tandem rolling has been completed. Along curbs, headers and similar structures, and at all places not accessible to the roller, the mixture shall be compacted thoroughly with lightly oiled hand tamp. The completed surface, when tested with a ten-foot (10') straight-edge laid parallel to the centerline of the roadway, shall have a maximum ordinate measured from the face of the straight-edge that does not exceed one-eighth inch (1/8") at any point. Approved templates shall be furnished by the Contractor for checking subgrade and finished sections. The templates shall be of such strength and rigidity that if the support is transferred to the center there will not be a deflection of greater than one-eighth inch (1/8").

- 3.5.4 Equipment: Mixing plants that will not continuously produce a mixture meeting all requirements of this specification will not be accepted.

Mixing plants may be either the weight-batching type or the continuous mixing type. Both types of plants shall be equipped with satisfactory conveyors, power units, aggregate handling equipment, hot aggregate screens and bins and dust collectors and shall consist of the following essential pieces of equipment:

The Cold Aggregates Bin and the Proportioning Device, Dryer, Screens, Aggregate Weight Box and Batching Scales, Mixer, Asphalt Storage and Heating Devices, Asphalt Measuring Devices, and Truck Scales if used, shall be of the type to adequately supply materials within the tolerances set out in these specifications. The aggregate shall be separated into at least three bins for type "C" materials and as specified herein.

Bin No. 1-will contain aggregates of which 85 to 100% will pass the No. 10 sieve.  
Bin No. 2-will contain aggregates of which at least 70% will be of such size as to pass the No. 4 sieve and be retained on the No. 10 sieve.

Bin No.3-will contain aggregates of which at least 75% will be such size as to pass the 3/8" sieve and be retained on the No. 4 sieve.

Bin No. 4-will contain aggregates of which at least 75% will be of such a size as to pass the 7/8" sieve and be retained on the 3/8" sieve.

The aggregate shall be separated into at least three bins for type "D" materials and as specified herein.

Bin No. 1-will contain aggregates of which 85 to 100% will pass the No. 10 sieve.

Bin No. 2-will contain aggregates of which at least 70% will be of such size as to pass the No. 4 sieve and be retained on the No. 10 sieve.

Bin No. 3-will contain aggregates of which at least 75% will be such size as to pass the 1/2" sieve and be retained on the No. 4 sieve.

- 3.5.5 Testing: The Contractor, at his expense, shall employ a commercial testing laboratory approved by the Precinct Commissioner or Designated Agent to conduct the required material checks and design the mix, During the production of the plant mix, the Contractor will provide, at his expense, continuous inspection and testing at the plant by a commercial testing laboratory approved by the Precinct Commissioner or Designated Agent.

Minimum density in place should reach 90%.

- 3.5.6 Construction Methods: Before the asphaltic concrete is placed, the surface on which the mixture is to be placed shall be thoroughly cleaned and prime coat of MC-30, SS-1 or AEP applied as directed with sprayer at the rate of 0.20 gallons minimum per square yard of surface.

### **3.6 Portland Cement Concrete Pavement**

- 3.6.1 Description: This item shall be to the standards of the recommendation of a Registered Professional Engineer who conducts a geotechnical study and shall meet the criteria of 2.2.3 of these Standards. This construction shall conform to Item 360 of the "TxDOT Standards".

### **3.7 Drainage Facilities**

- 3.7.1 Description: This item shall govern the furnishing of all drainage culvert pipe, concrete headwalls, and reflector posts as shown on the Plans and herein specified and installing the same as designated on the Plans or by the Precinct Commissioner or Designated Agent in conformity with the lines and grades given.



3.7.2 Materials: The Culvert Pipe shall be of size, length, and gauge as shown on the engineered construction plans. Corrugated metal pipe may be galvanized steel, aluminized steel, aluminum or precoated aluminum pipe to be furnished and installed in accordance to Item 460 of the "TxDOT Standards". Reinforced concrete pipe shall be furnished and installed according to Item 464 of the "TxDOT Standards". All culvert pipes shall be new and unused and shall not have been damaged by handling or shipping.

(a) Alternative Culvert Pipe-ADS Heavy Duty Corrugated Polyethylene Pipe:

This type of culvert pipe may be required where known corrosive soil conditions are present. Manufactured by Advanced Drainage Systems, Inc., (ADS) pipe specifications are for Smooth Interior Corrugated Polyethylene Pipe (date June 2002) applies to high-density polyethylene corrugated pipe with an integrally formed smooth waterway. Pipe manufactured for this specification shall comply with the requirements for test methods, dimensions and markings found in AASHTO Designations M252, M294 and MP7. Pipe fittings shall be made from virgin polyethylene compounds that conform to the applicable current edition of the AASHTO Material Specifications for cell classification as defined and described in ASTM D3350. The fittings shall not reduce or impair the overall integrity or function of the pipeline. Fittings may be either molded or fabricated and only those fittings supplied or recommended by the manufacturer shall be used.

Where designated on the plans or project specifications, an elastomeric gasket meeting the requirements of ASTM F477 shall be supplied.

(b) Installation of the ADS specified pipe should be in accordance with either MSHTO Section 30, ASTM Recommended Practice D2321, or as recommended by the manufacturer.

(c) Reflector Posts shall be constructed from one and one-half inch (1 1/2") schedule 20; galvanized steel posts equipped with three inch (3") amber reflectors. The length of the post shall be adequate to place the reflector assembly forty-eight inches (48") above the centerline elevation of the street and anchor the post approximately forty-eight inches (48") into the ground.

(d) Concrete headwalls and/or Riprap shall be constructed of 3000 psi, five-sack, concrete meeting the requirements of Item 421 of the "TxDOT Standards" and reinforced with deformed bars or wire mesh meeting the requirements of Item 440 of the "TxDOT Standards". All culvert or bridge headwalls and/or riprap shall be of the dimensions and in the locations shown on the plans.

3.7.3 Construction Methods: Culvert pipe shall be sized and installed according to the lines and grades shown on the Construction Plans or as specified by the Precinct Commissioner or Designated Agent. The pipe shall be bedded along its complete length and the backfill around the pipe shall be compacted. The installation of all culvert pipes shall be in general conformance with the appropriate sections of the

“TxDOT Standards”. All culvert pipes located at street intersections shall be provided with reflector posts. The reflector posts shall be equipped with one reflector facing in each direction of traffic flow. Reflector posts shall be provided on the ends of the concrete headwalls or riprap as shown on the plans. The headwalls shall be formed on their exposed surfaces, which shall be grouted and broom finished upon removal of the forms.

- 3.7.4 Culverts: Culvert pipe shall be clean and free of debris following installation and before acceptance by the County Commissioner or Designated Agent.

### 3.8 Channel Excavation

- 3.8.1 Description: Channel excavation shall consist of required excavation for all channels, the removal and proper utilization or disposal of all excavated materials, and constructing, shaping and finishing of all earthwork involved in conformity with the required lines, grades and typical cross sections and in accordance with the specifications and requirements herein outlined. Excavated topsoil can be used in accordance with County standards. It is the responsibility of the contractor to dispose of excavated trash and spoils in accordance with County standards.

- 3.8.2 Construction Methods: All suitable Materials removed from the excavation shall be utilized, insofar as practicable, in the formation of embankments where required, or shall be otherwise satisfactory disposed of as indicated on the plans, or as directed. Completed work shall conform to the established alignment, grades, and cross sections for the drainage structure. During construction, the channel shall be kept drained, insofar as practicable, and the work shall be performed in a neat and workmanlike manner.
- Unsuitable channel excavation materials, or excavation in excess of that needed for construction, shall become “Waste” and shall become the property of the Contractor to be disposed of properly by him.
- Channel excavation shall include the removal and replacement of all fence lines crossing the channels and the installation of gates and water gaps as shown on the plans.
- All channels, and adjacent area, which has been disturbed by construction equipment shall be seeded with Bermuda grass or other grass as approved by the Precinct Commissioner or Designated Agent at the rate of eight pounds per acre (8 lb/ac). Seeding shall conform to Item 164 Seeding for Erosion Control of the “TxDOT Standards”.

### 3.9 Miscellaneous

- 3.9.1 Signage: Street name signs, traffic control signs, speed limit signs, etc., shall all conform to the requirements of the “TxDOT Standards” and the “Manual of Uniform Traffic Control Devices” (TxMUTCD).

For all developments proposing new street construction, the developer’s engineer shall provide-as part of the construction plans-a narrative statement in recordable format, to be recorded with the-Final Plat, listing the type and location of all proposed signs for directing and controlling traffic.

The Developer or Subdivider shall erect all traffic signs in a place as called for on the construction design plans, or at the sole discretion of the Precinct Commissioner, the County may elect to install the signs, in which case the Developer or Subdivide shall deposit funds with the County based upon the estimated actual cost of the signs, posts, and labor for installation.

Completion Certificate: At the time a final inspection and release of construction security is requested, the design engineer shall provide a complete set of “as-built” construction drawings and shall certify that all road and drainage construction has been completed in substantial accordance to the adopted Rules and Regulations of the County and in accordance with the previously approved construction plans and specifications, with any exceptions noted. The design engineer shall also certify that the approved traffic signage plan has been put into place. No performance security will be released without this exhibit.

- 3.9.2 Equivalency: All provisions of these regulations are intended to allow for the use of equal or better materials and methods of construction. It is the responsibility of the design engineer and the engineer certifying the geotechnical report to demonstrate that all provisions in these standards are met or exceeded by the use of alternate materials or methods to the satisfaction of the Commissioners’ Court or Designated Agent of the Commissioners’ Court.

## SECTION 4

### SURVEY AND INFRASTRUCTURE REQUIREMENTS FOR MANUFACTURED HOME RENTAL COMMUNITIES

#### Preamble:

**Whereas**, the 76<sup>th</sup> State Legislature of the State of Texas has enacted legislation amending Section 232.007, Texas Local Government Code, Subsection (a) and adding Subsections (c) through (h) enabling Commissioners' Courts to adopt infrastructure requirements for Manufactured Home Rental Communities; and:

**Whereas**, due notice was given of a meeting and public hearing to determine whether the Commissioners' Court of San Jacinto County, Texas should enact an order establishing infrastructure requirements for Manufactured Home Rental Communities; and

**Whereas**, the Commissioners' Court of San Jacinto County, Texas finds that the requirements enumerated below will help to ensure the safe ingress and egress of emergency vehicles, protect against loss of life and property in the event of flooding or other emergencies, and ensure adequate water and wastewater facilities for the citizens of San Jacinto County; and

**Whereas**, the Commissioners' Court of San Jacinto County, Texas has considered the matter and deems it appropriate to enact this Order adopting minimum infrastructure requirements for Manufactured Home Rental Communities.

Now, therefore, be it resolved and ordered, that the Commissioners' Court of San Jacinto County, Texas adopts the following minimum infrastructure requirements for Manufactured Home Rental Communities:

Order of the Commissioners' Court: November 19, 2021

#### **4.1 DEFINITION OF AFFECTED DEVELOPMENTS**

4.1.1 As used in this order, the term “Manufactured Home Rental Community”, abbreviated as MHRC, means any plot or tract of land that is separated into two or more spaces 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. “Manufactured Home” means any manufactured home or mobile home manufactured to the code or specifications of the Federal Department of Housing and Urban Development and/or any residence as defined by Section 3 of the Texas Manufactured Housing Standards Act (Article 5221, Texas Civil Statutes); used collectively, the term “Manufactured Home” refers to both manufactured homes and mobile homes.

4.1.2 Definitions: Streets and roads-A public road, a private drive, or any other avenue of ingress or regress intended to provide access to all or any part of the MHRC consisting of more than one space.

#### **4.2 CONSTRUCTION START**

4.2.1 Construction of a proposed MHRC may not begin before an Infrastructure development Plan, if required, has been approved by the Commissioners’ Court, or by a county official or employee designated by resolution to act as an agent of the Court.

#### **4.3 UTILITY HOOK-UPS**

4.3.1 A utility may not provide utility services, including water, sewer, gas, or electric services to a MHRC until a Final Survey and an Infrastructure Development Plan have been approved by the Commissioners’ Court.

#### **4.4 FINAL SURVEY AND INFRASTRUCTURE DEVELOPMENT PLANS REQUIRED**

4.4.1 The owner of a tract of land intended to be used as a MHRC shall have prepared and submitted to the County a Final Survey and an Infrastructure Development Plan (IDP). In the rare event that there will be no infrastructure in the proposed MHRC, then only a Final Survey will be required. The owner shall submit eight blueline or blackline copies and two reproducible prints of the Final Survey, and shall submit eight blueline or blackline copies and two reproducible prints of the IDP and eight copies of supporting materials. All original materials should have original seals and signatures of the Texas Registered Professional Land Surveyor and Texas Registered Professional Engineer who prepared them. The Final Survey and the IDP shall show or be accompanied by the following information.

- (a) Drawing Requirements: The north arrow, graphic scale and date shall be shown. The Final Survey and IDP shall be drawn on 24"x36" sheets to a scale not exceeding one-inch equals two-hundred feet (1" = 200'). The recording Final Survey and IDP shall be on permanent type material equivalent or superior to mylar. If the recording Final Survey and IDP is a photographic reproduction of a larger scale original, the reduction shall be no more than 50%. All figures and letters shown must be plain, distinct, and of sufficient size as to be easily read, no smaller than 0.09 inch in height and must be of sufficient density to make a lasting and permanent record. A vicinity map shall be included that shows the location of MHRC's in relation to major roads, towns, cities, or topographic features. All county, city, school district, or special taxing districts that fall on or adjacent to the MHRC must be shown on the Final Survey and the IDP.
- (b) Manufactured Home Community Details: The name of the MHRC, graphic scale, north arrow, names of streets, and block and space boundaries and block and space numbers within the MHRC shall be shown. Adjacent property owners, subdivisions, and MHRCs shall also be shown and identified by owner's name and deed or plat reference.
- (c) Owner Identification: The name, addresses, and telephone numbers of the owner or owners of a proposed MHRC, and the name, address and phone numbers of the surveyor or engineer responsible for the preparation of the Final Survey and IDP shall be shown. If the owner is a corporation, partnership or joint venture, the names and addresses of the corporate officers, partners or joint venturers shall be provided.
- (d) Boundary Lines: The perimeter boundary of the community and each boundary or space shall be shown with bearings and distances, referenced to a corner of the Final Survey, IDP and in relation to original survey boundaries. The bearings and distances shall be shown with distances accurate to one-hundredth of a foot and bearings accurate to one-hundredth of a second of a degree. Curves shall be shown with curve length, radii, and chord bearing and distance. Any and all other information necessary to duplicate the Final Survey and IDP on the ground is required. The square footage or acreage to the nearest one-hundredth of each space must be shown in each Final Survey and IDP. A table of space square footage or acreage, the total square footage or acreage, and the total number of spaces must be shown.
- (e) Utility Service: Each utility service shall approve the Final Survey and IDP in writing and provide the County with a letter certifying its approval and its ability to provide service to the MHRC.
- (f) Layout of Spaces, Easements, Setback Lines: Location of lots, spaces, streets, roads, public highways, utility easements, parks, benchmarks, 100-year floodplain boundaries and other pertinent features, shall be shown by bearing and distance. The bearings and distances shall be shown with distances

accurate to one-hundredth of a foot and bearings accurate to one-hundredth of a second of a degree. Curves shall be shown with curve length, radii, central angle, and chord bearing and distance. Any and all other information necessary to duplicate the Final Survey and IDP on the ground is required. The location of drainage easements and other public rights-of-way shall be shown. The names and locations of all drives and roads shall be clearly shown and shall be coordinated with the County's 911 Coordinator and to avoid confusion or duplication in street or drive names. A letter from the County's 911 Addressing Coordinator shall be provided to the County certifying street and drive name approval. One 911 address will be provided to the rental community, unit numbers are required to be assigned to and clearly marked for each rental space as shown on the Final Survey and IDP.

- (g) On-Site Sewage: If utilizing individual on-site sewage facilities, each lot must meet the requirements of the San Jacinto County Rules for On-Site Sewage Facilities. Lot numbers and block designations shall be shown on the IDP. Each lot shall have a minimum of 50 feet (50') of road frontage.
- (h) Certification and Dedication of Owner: The owner shall certify the dedication for public use forever all streets, alleys, utility and drainage easements, parks, and any other land dedicated for public use, on the first page of the IDP with signature and acknowledgement before a notary public.
- (i) Certification by Registered Professional Land Surveyor: The Texas Registered Professional Land Surveyor shall certify on the first page of the Final Survey and IDP that the survey correctly represents a survey made on the ground under his supervision, and the dimensions, bearings, acreage and other technical information shown on the Final Survey and IDP are precise and accurate. Final Surveys and IDPs shall not be approved until all benchmarks are placed and placement is certified by the Surveyor.
- (j) Certification and Approval by City: Certification of approval signed by the appropriate representatives of any city having extraterritorial jurisdiction over the area in which the MHRC is located shall be placed on the first page of the IDP. All information required by the city for approval, i.e. plans, and specifications, shall also be submitted to the County along with the IDP.
- (k) Restrictions of Community: A copy of the Covenants, Conditions and Restrictions (CCRs), if any, within the MHRC shall accompany the IDP, and shall be notarized and filed for record in the office of the County Clerk.
- (l) Status of Ad Valorem Taxes: Each owner or applicant shall provide tax certificate(s) demonstrating there are no delinquent taxes due or owed for any and all tracts containing the MHRC as furnished through the San Jacinto County Tax Assessor/Collector's Office.
- (m) Street Standards: Streets shall be arranged and constructed so as to provide each manufactured home with direct access to an all-weather roadway suitable for two-way traffic. Street drainage, width, subgrade, base and driving surface shall be designed using good engineering practices consistent with the express

purpose of, at a minimum, assuring speedy emergency access to each home or manufactured home in the community. “Flag Lots” or other contrivances which unduly inhibit proper road maintenance or result in lengthy private drives that are likely to restrict the practicable ingress and egress of emergency vehicles in all types of weather are prohibited. Drive plans, section profiles, and a prospective maintenance plan and schedule for all drives shall be attached as part of the IDP. One source of appropriate road specifications is the Road and Drainage Specifications contained as part of the San Jacinto County Subdivision and Development Rules.

- (n) Drainage Standards: In order to protect property and life, as provided for in Chapters 232.007 and 240.905 of the Texas Local Government Code, the IDP shall include a drainage plan, floodplain delineation, and floodway delineation, prepared in accordance with good engineering practices, identifying areas included in the 100-year floodplain as well as the proposed finished floor elevations of any manufactured homes to be placed in proximity to the floodplain. Finished floor elevations must be at least one foot (1’) above base flood elevation. In addition, the IDP must include a reasonable plan based on good engineering practices signed and sealed by a Texas Registered Professional Engineer to provide for adequate drainage for the MHRC without increasing the peak flow under post-development conditions for a 100-year storm event. In all MHRCs containing or adjacent to 100-year floodplain; benchmarks must be placed showing the elevation from Mean Sea Level as well as true latitude and longitude.
- (o) Improvements Statements: Each IDP shall have the following note on the first page. “The paving, grading easements and/or drainage improvements associated with this IDP do not constitute acceptance of same for maintenance purposes by San Jacinto County.” When IDP or drainage plans are provided, the engineer shall certify by signing and sealing on the first page of the FOP the following statement: “I, \_\_\_\_\_, a Texas Licensed Professional Engineer, do hereby affirm to the best of my knowledge information and belief and based upon the information provided, that the drainage improvements shown on this Infrastructure Development Plan are in accordance with good engineering practices, laws, and regulations and will not increase runoff above undeveloped conditions. I further declare that I will accept full responsibility for the integrity of the drainage design and will defend and hold harmless San Jacinto County from any claim or litigation arising from any errors, omissions or other acts of negligence in the preparation of same.”

#### **4.5 FINAL SURVEY AND IDP APPROVAL**

The Commissioners’ Court of San Jacinto County shall approve or reject the Final Survey and/or IDP within 60 business days of its being submitted. Failure to reject the



plan within the time prescribed shall constitute the County's acceptance of the plan as required by Section 232.007 of the Texas Local Government Code.

**4.6 INSPECTION AND CONFIRMATION OF CONSTRUCTION**

The Commissioners' Court of San Jacinto County shall approve or reject the IDP prior to the commencement of construction of any street, drainage, or utility improvements. The Owner, or the owner's authorized agent, shall arrange a preconstruction meeting with the Precinct Commissioner and/or Designated Agent to discuss the timing and nature of inspections by the County during all phases of construction. The County may designate a private engineer, road contractor, testing company or other entity to serve as its agent for inspections. In any event, the applicant shall be required to pay for any reasonable testing requested by the County or Designated Agent. The Final inspection shall occur no later than the second business day after the owner delivers written confirmation that all improvements have been completed to the standards established in the IDP as required by section 232.007 of the Texas Local Government Code. If the County determines that the infrastructure complies with the IDP, the County shall issue a certificate of compliance no later than the fifth business day after the date of the final inspection; or, where no inspection is required, no later than the fifth business day after the receipt of the owner's letter of completion. If the County determines that the infrastructure does not comply with the IDP, the MHRC may not be occupied until those deficiencies identified by the County are remedied to the satisfaction of the Commissioners' Court.

**4.7 REVIEW FEES**

The County Clerk shall collect a fee of \$300 plus \$10 per rental space at the time the application is filed.

**4.8 SEVERABILITY**

The various points and conditions enumerated in this Order are intended to stand alone as well as part of the larger Order, and, therefore, should any part of this Order be repealed by the Commissioners' Court or struck down by a court of law, the remaining parts, points, numbers and conditions of this Order shall remain in effect until expressly repealed or amended by the Commissioners' Court of San Jacinto County.

# SAN JACINTO COUNTY

## REGULATIONS

for

## SUBDIVISIONS

and

## DEVELOPMENT

### Part 3 – FIRE CODE

Fritz Faulkner  
Laddie McAnally  
Donny Marrs  
David Brandon  
Mark Nettuno

San Jacinto County Judge  
Precinct 1 Commissioner  
Precinct 2 Commissioner  
Precinct 3 Commissioner  
Precinct 4 Commissioner

November 19, 2021  
Adopted

Judge



**REGULATIONS**  
**for**  
**SUBDIVISIONS**  
**and**  
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**Part 3 – FIRE CODE**

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November 19, 2021  
Adopted

  
County Judge

Amended

\_\_\_\_\_  
Date

  
County Judge

## TABLE OF CONTENTS

### Regulations for Subdivisions & Development Part III – Fire Code

#### Section 1 – Administration and Preliminary Provisions

1.0: Authority	Pg. 1
1.1: Scope of Regulation	Pg. 1
1.2: Purpose	Pg. 1
1.3: Construction of Regulation	Pg. 2
1.4: Abrogation	Pg. 2
1.5: Warning and Disclaimer of Liability	Pg. 2
1.6: Findings of Fact	Pg. 2
1.7: Basis for Regulation	Pg. 3

#### Section 2 – Use of Terms

2.0: Certificate of Compliance	Pg. 4
2.1: Certificate of Non-Compliance	Pg. 4
2.2: Construction	Pg. 4
2.3: Existing	Pg. 4
2.4: Fire Code Official	Pg. 5
2.5: County Fire Marshall	Pg. 5
2.6: Person	Pg. 5
2.7: Public Buildings and Commercial Establishments	Pg. 5
2.8: Substantial Improvement	Pg. 5-6
2.9: Unincorporated Area	Pg. 6

#### Section 3 – General Provisions

3.0: Administration by the Fire Code Official	Pg. 7
3.1: Responsibility of the Fire Code Official	Pg. 7
3.2: Responsibility of Other Officials	Pg. 7

#### Section 4 – Permits

4.0: Permits Required	Pg. 8
4.1: Application for Permit	Pg. 8
4.2: Determination of Permit Eligibility	Pg. 8-9
4.3: Issuance of Permits	Pg. 9
4.4: Term of Permits	Pg. 9

#### Section 5 – Permittee

5.0: Responsibility of All Parties	Pg. 10
5.1: Inspection	Pg. 10-11

**Section 6 – Appeals and Hearing Procedures**

6.0: Appeals	Pg. 12
6.1: Hearing Before the Development Review Committee	Pg. 12-13
6.2: Filing of Committee Decision	Pg. 13
6.3: Review by Commissioners’ Court	Pg. 13
6.4: Variances	Pg. 13-14

**Section 7 – Enforcement**

7.0: Enforcement	Pg. 15
7.1: Violations of Conditions Regulation	Pg. 15
7.2: Contempt of Commissioners’ Court	Pg. 15-16

**Section 8 – Forms, Records and Fees**

8.0: Forms	Pg. 17
8.1: Maintenance of Records	Pg. 17
8.2: Fees	Pg. 17

**Section 9 – Severability and Construction** **Pg. 18**

**Exhibits**

Exhibit A – Additions, Insertions, Deletions, and Changes to International Fire Code, 2009 Edition	Pg. 19-24
Exhibit B – Fee Schedule	Pg. 25-31

## San Jacinto County Fire Code

### SECTION 1

#### ADMINISTRATION AND PRELIMINARY PROVISIONS

##### 1.0 Authority

This code is adopted as a fire code by Commissioners' Court of San Jacinto County, Texas, acting in its own capacity as the governing body of San Jacinto County. The authority of San Jacinto County to adopt this code and the contents hereof is derived from Chapter 33, Subchapter C, Texas Local Government Code §233.061 et. seq., as amended. This code shall apply to public buildings, commercial establishments, and multi-family dwellings with four (4) or more units for which Construction and/or Substantial Improvements, as defined in this code, begins after the effective date of this Fire Code. This Code may be amended at any time by a majority of the Commissioners' Court when properly posted and a quorum is present to vote in public session.

##### 1.1 Scope of Regulation

This code applies to those structures as identified in Section 1.0 in the unincorporated areas of San Jacinto County, Texas after the affective date of this Code. Incorporated Cities, Townes and other Type A, B, C municipalities within San Jacinto County, are responsible for their Codes, Ordinances, policies and enforcements.

##### 1.2 Purpose

The purpose of this Code is to provide minimum requirements, with due regard to function, for the design and Construction or Substantial Improvements of Public Buildings, Commercial Establishments, and Multi-Family Residential Dwellings consisting of four (4) or more units to reduce the risk to life and property from fire. Fire Safety in regard to operations and use of buildings and structures after construction, whether or not their construction was subject to this Code, may be enforced independent of this Code by the County Fire Marshal in accordance with applicable law, including but not limited to his/her independent authority to inspect for the presence of fire and life safety hazards and other correction under Chapter 352 of the Local Government Code. This Code is not intended in any way to limit the statutory authority of the County Fire Marshal, and it is intended that such authority be retained to the fullest extent that the law would authorize. The applicable Code for the existing buildings, facilities, or conditions that are already in existence, constructed or officially authorized prior to the adoption of this Code, is the *International Fire Code, 2009 Edition*, to the extent the code applies to existing structures, buildings, and conditions per Section 102, including additions, deletions and Changes, prescribed in "Exhibit A" hereto.

### **1.3 Construction of Regulations**

This Code is to be construed to accomplish its purpose. Nothing herein shall derogate from the authority of the Fire Code Official to determine compliance with codes or standards for those activities or installations within the Fire Code Official's jurisdiction or responsibility. Requirements that are essential for the public safety of a building or structure or for safety of the occupants thereof or general public, which are not specifically provided for by this Code, shall be determined by the Fire Code Official. The Codes and Standards referenced in this Code shall be those that are listed in Chapter 47 of the *International Fire Code, 2009 Edition*, and such codes and standards shall be considered part of the requirements of this Code to the prescribed extent of such reference. Where differences occur between the provision of this Code and the referenced standards, the provisions of this Code shall apply. Where there is a conflict between a general requirement and a specific requirement within this Code, the specific requirement shall be applicable.

### **1.4 Abrogation**

This Code is not intended to repeal, abrogate, or impair any existing laws, regulations, easements, covenants, or deed restrictions.

### **1.5 Warning and Disclaimer of Liability**

The degree of fire protection required by this Code is considered reasonable for regulatory purposes and is based on scientific and engineering considerations, this Code does not imply that any building or the uses permitted within any building will be free from a fire hazard. This Code shall not create liability on the part of San Jacinto County or any officer, or employee thereof for any damages that result from reliance on this Code or any administrative decision lawfully made thereunder. The granting of a permit or issuance of a Certificate of Compliance does not imply that the building can be insured for fire coverage.

### **1.6 Findings of Fact**

It is hereby found by Commissioners' Court of San Jacinto County that fires have occurred in the past within its jurisdiction and are likely to occur in the future, and that damages to property and loss of life occurs for many reasons including fires that could have been prevented or minimized by providing additional safety guards to provide adequate egress protection for people exposed to fire.

**1.7 Basis of Regulation**

The San Jacinto County Fire Code shall consist of this Code plus the *International Fire Code, 2009 Edition*, and all its references, which code and appendices are incorporated herein fully set out herein, with the additions, deletions and changes, prescribed in “Exhibit A” hereto.



## **SECTION 2**

### **USE OF TERMS**

#### **2.0 Certificate of Compliance**

A “Certificate of Compliance” means a certificate issued by the Fire Code Official indicating Construction or Substantial Improvement is in compliance with San Jacinto County Fire Code as a specific date and for a specific occupancy. The certificate may be filed in the Real Property Records as outlined in Section 7.0 of this Code. A Certificate of Compliance under this Fire Code shall not be construed as authorizing the owner or operator of any building to afterward operate or maintain such building in such a way as to create, cause or allow the existence of a fire or life safety condition, which condition shall be subject to the independent enforcement authority of the County Fire Marshal.

#### **2.1 Certificate of Non-Compliance**

A “Certificate of Non-Compliance” means a certificate issued by the Fire Code Official indicating Construction or Substantial Improvement is not in compliance with the San Jacinto County Fire Code as of a specific date. This certificate may be filed in the Real Properties Records as outlined in Section 7.0 of this Code.

#### **2.2 Construction**

“Construction” means the initial permanent construction of a Public Building, a Commercial Establishment or a Multi-Family Residential Dwelling, consisting of four or more units, and all related improvements on a site. A permit is required prior to the start of any construction. For purposes of this Code, construction begins on the date that ground is broken for a building, or if no ground is broken, on the date that:

- (A) The first materials are added to the original property;
- (B) Foundation pilings are installed on the original property; or
- (C) A manufactured building or relocated structure is placed on a foundation on the original property.

#### **2.3 Existing**

“Existing” means buildings, facilities or conditions that are already in existence, constructed or officially authorized prior to the adoption of this Code.

## **2.4 Fire Code Official**

“Fire Code Official” means the Fire Marshal of San Jacinto County, as determined by Commissioners’ Court, or a designee of such individual if appointed as deputy by the court or by the ESD if defined in an interlocal Agreement.

## **2.5 County Fire Marshal**

“County Fire Marshal” means the holder of the statutory office of the County Fire Marshal for San Jacinto County or the employee(s) designated by the County Fire Marshal thru Commissioners’ Court to perform a task required by this Code. Arson Investigations are the responsibility of the San Jacinto County Sherriff’s Office (SJCSO) due to felony potential. This policy only addresses “Building Code”.

## **2.6 Person**

“Person” includes any individual or group of individuals, corporation, partnership, association, or any other organized group of persons. Not included is a State Agency that is authorized to prevent and extinguish forest and grass fires.

## **2.7 Public Buildings and Commercial Establishments**

“Public Buildings and Commercial Establishments” includes, but is not limited to auditoriums, classrooms, churches, libraries, restaurants, theaters, schools, daycare facilities, nursing homes, hospitals, correctional facilities, hotels, motels, dormitories, department stores, shopping centers, doctors’ offices, laundries and warehouses. Not included in his definition is an industrial facility having a fire brigade that conforms to requirements of the Occupational Safety and Health Administration (OSHA).

## **2.8 Substantial Improvement**

A “Substantial Improvement” is;

- (A) The repair, restoration, reconstruction, improvement, or remodeling of a public building, a commercial establishment, or a multi-family residential dwelling consisting of four or more units for which the cost exceeds 50% of the building’s value according to the certified tax appraisal roll for the county for the year preceding the year in which the work was begun; or
- (B) A change in occupancy classification involving a change in the purpose or level of activity in a building, including the renovation of a warehouse into a loft apartment. For purposes of determining if an improvement is a Substantial Improvement, the applicant for a permit must submit data reflecting cost of the improvement, restoration, reconstruction, or remodeling. Cost shall include the value of all labor

and materials. For purposes of this Code, Substantial Improvement begins on the date that the repair, restoration, reconstruction, materials are first delivered for that purpose. The Fire Code Official may require the submittal of an independent certified damage assessment in cases where the structure has suffered other than minor damage.

## **2.9 Unincorporated Area**

“Unincorporated Area” means the area in San Jacinto County, Texas, which is not within an incorporated area of a city without an Interlocal Agreement, town or village.

## **SECTION 3**

### **GENERAL PROVISIONS**

#### **3.0 Administration by the Fire Code Official**

The Fire Code Official or the Fire Code Official's designee is responsible for the administration of this Code, issuance of permits required by this Code, enforcement of this Code and Maintenance of proper records.

#### **3.1 Responsibility of the Fire Code Official**

The Fire Code Official or the Fire Code Official's designee may conduct inspections provided for in this Code.

#### **3.2 Responsibility of Other Officials**

Under this Code, the Fire Code Official is responsible for all administrative decisions, determinations, and duties. The Fire Code Official may seek and secure the assistance of other officials of San Jacinto County in making decisions and determinations and in performing the administrative duties but is not required to conform to the recommendations of others, provided however, any decision by the Fire Code Official may be appealed by the process in Section 6.0 of this Code.

## **SECTION 4**

### **PERMITS**

#### **4.0 Permits Required**

Construction permit: No person shall perform or authorize Construction or Substantial Improvement (SI) or Substantial Damage Repairs (SD) within the unincorporated areas of San Jacinto County without first securing a permit under this Code. No other Fire Permits shall be required under this Code.

#### **4.1 Application for Permit**

The application for a permit will be on a form prescribed by Commissioners' Court or a Department designated by Commissioners' Court to account for the permits, fees, and documentation. This accounting will be reported monthly to the court with other departmental reports. The Department utilized for the sole purpose of permitting as described above is for "Economy of Scale" purposes and they will have no authority other than an accounting pass thru. Permits must be supported by the following:

(A) Two complete sets of construction and site plans, drawn to scale for the proposed building or system containing all specifications including the following;

- (1) The types of construction materials and class of interior finish;
- (2) The location of all exits with distances between exits called out-exit width, type and any special requirements shall be stated; and
- (3) The location of any fire alarm system, equipment, automatic sprinklers, emergency lighting, etc. required to meet this Code.

(B) A permit fee;

If unable to determine from the information submitted whether a permit should be issued, the Fire Code Official may require the submission of additional information, drawings, specifications, or documents.

#### **4.2 Determination of Permit Eligibility**

After the application is filed the Fire Code Official shall determine if the proposed public building, commercial establishment, or multi-family residential dwelling consisting of four or more units meets the minimum requirements of this Code based on the information provided.

- (A) If it is determined the proposed Construction or Substantial Improvement meets the requirements, then a permit will be issued after the collection of appropriate fees.
- (B) If it is determined the proposed Construction or Substantial Improvement does not comply with the requirements of this Code, then the application package shall be returned to the applicant with an explanation of why it was not approved.

#### **4.3 Issuance of Permits**

When the Fire Code Official determines a permit shall be issued, the Fire Marshal of San Jacinto County or his designee, shall sign to issue the permit after the proper fee is collected. SI and SD Permits must be obtained at the Permit Office separate from the Fire Permit.

#### **4.4 Term of Permits**

Construction or Substantial Improvements must be started within 365 calendar days that the permit is issued, or the permit shall be null and void. Day of permit issuance is day 1. Upon written request from the applicant, an extension may be granted if extenuating circumstances or a special situation occurs. All extension requests must be made in writing to the Fire Code Official at least 30 days in advance of permit expiration date. The permittee will be notified in writing of the extension granted or denied. If denied, an explanation will be given.

## SECTION 5

### PERMITTEE

#### 5.0 Responsibilities of All Parties

- (A) Post the permit on the jobsite in a place visible from the nearest road or street;
- (B) Post and maintain the street number on the jobsite in a place visible from the road or street and in a manner meeting the requirements of the standards for permanent numbers set forth in the *International Fire Code, 2009 Edition* Section 505.1 and
- (C) Allow the Fire Code Official or his designee to inspect the work pursuant to a permit. The Fire Code Official may make as many scheduled or unscheduled inspections as deemed necessary to enforce this Code. All holders of a permit issued pursuant to this Code that wish to make a change to the proposed Construction or Substantial Improvement of the public building, commercial establishment, or multi-family residential dwelling consisting of four or more units or to perform any Construction or Substantial Improvement other than as authorized by the permit must submit supplemental drawings and/or specifications to the Fire Code Official for review. If the changes do not comply with this Code, the Fire Code Official shall not approve the change. If a change complies with this Code and is approved, a copy of the supplemental drawings and/or specifications shall be added to the permittee's file, and the Fire Code Official shall amend the permit.

#### 5.1 Inspection

- (A) The Permittee shall ensure their Engineer, Architect, or International Code Council Certified Building Official (ICC-CBO) has made sufficient inspections so that they can complete a "Request for Final Inspection" form outlined below.
- (B) When Construction or Substantial Improvement is complete and ready for occupancy, a "Request for Final Inspection" form supplied by the Fire Code Official must be complete, signed and sealed by a licensed Engineer authorized to practice in the State of Texas, a registered Architect authorized to practice in the State of Texas or an ICC-CBO, indicating that to the best of his or her knowledge, all minimum requirements of this Code have been met. If the building has an automatic fire protection system, a completed Form 009 as promulgated by the State Fire Marshal's Office shall be included with the "Request for Final Inspection" form. Receipt by the Fire Code Official of a completed, signed and sealed request form will serve as a request for final inspection.
- (C) Once a completed, signed and sealed form has been turned in to the Fire Code Official, and the Fire Code Official determines, after a final occupancy inspection is conducted, that the Construction or Substantial Improvement complies with this Code, the Fire Code Official will issue a Certificate of Compliance. Should the Fire Code Official determine that the applicable certifications have not been provided and

/or the provisions of Section 5.1 of this Code were not followed, then enforcement procedures as outlined in Section 7 shall commence. No person shall occupy a public building, a commercial establishment or a multi-family residential dwelling consisting of four or more units that the Fire Code Official determines, after inspections, not to be in compliance with this Code unless a Certificate of Compliance is subsequently issued for such building.

- (D) Should the Fire Code Official have to make additional inspections due to non-compliance with this Code, additional fees may be assessed.



## SECTION 6

### APPEALS AND HEARING PROCEDURES

#### 6.0 Appeals

If a permit applicant is denied a permit, the applicant may appeal the denial as provided in this Section. The term “appellant” is used to refer to the appealing party. An appellant must seek remedy under this procedure before seeking remedy in court. Application for a permit is deemed to be a waiver of the right to challenge this Code before exhausting remedies herein provided.

- (A) To initiate an appeal, an appellant must submit a written request for exception to this Code to the “Development Review Committee”, which has been appointed by Commissioners’ Court. The Committee is comprised of 5 appointees. The appointees elect the Chair by majority vote.
- (B) The Chair of the Development Review Committee appointed by Commissioners’ Court will set a time for a hearing, which will be scheduled as soon as practicable, preferably 15 business days from the receipt of the written request, and shall prepare a “Notice” naming the time, date and location of the hearing. Receipt has the meaning from the day the request was received by the Development Review Committee with a time stamp or Postal Delivery stamp via Certified Mail. Copies shall be distributed as follows:
  - (1) The Chair of the Development Review Committee will create a working or hearing file with one copy contained therein.
  - (2) The Chair of the Development Review Committee will give one copy to the Appellant.
  - (3) The Chair of the Development Review Committee will deliver one copy to the Fire Code Official.
- (C) An appeal will not abate the decision of the Fire Code Official pending the decision of the Development Review Committee. The hearing will be conducted as provided in Section 6.1 below.

#### 6.1 Hearing Before the Development Review Committee

At hearings before the Development Review Committee, the Development Review Committee will hear the testimony of the Fire Code Official and any witnesses called by the Fire Code Official. The Development Review Committee will hear the testimony of the Appellant and any witnesses called by the Appellant. The development Review Committee will review all documents and exhibits submitted by the parties. The Development Review Committee will not be bound by formal rules of evidence and will

control the evidence, reserving the power to exclude testimony or exhibits they do not consider relevant. The Chair of the Development Review Committee will maintain an accurate record of the evidence adduced at the hearing.

## **6.2 Filing of Committee Decision**

The Chair of the Development Review Committee will prepare a written decision as soon as possible, preferably within three working days of the hearing. A copy of the decision will be filed with the Clerk of Commissioners' Court, the members of the Commissioners' Court, and with the Fire Code Official. The original will be sent to the appellant's address shown on the permit or permit application. If a variance is granted, the Fire Code Official shall prepare the appropriate permit with any special requirements that may be required by the conditions of the variance.

## **6.3 Review by Commissioners Court**

If the Fire Code Official or the Appellant wishes to appeal the Development Review Committee's decision, a written objection must be filed with the Clerk of Commissioners' Court within ten (10) days of the date the Development Review Committee's decision is filed with the County Clerk. The Clerk will notify the Chair of the Development Review Committee who will place the matter on the Agenda of Commissioners' Court for review at the next meeting of Commissioners' Court. If the Fire Code Official files an objection with the County Judge, notice that the matter is on the agenda will be sent to the Appellant by mail at the Appellant's address shown on the permit or application. Commissioners' Court may either affirm or reverse the decision of the Development Review Committee. The Fire Code Official's decision will remain in effect pending the review of Commissioners' Court.

## **6.4 Variances**

If any person wishes an exception to any provision of this Code, that person shall request a variance in the matter prescribed for the filing of an appeal. The Development Review Committee shall hold a hearing and deny or grant the variance. Variances will be granted only if the following are met:

- (A) The applicant has shown good and sufficient cause;
- (B) It has been determined the failure to grant the variance would result in an exceptional hardship to the applicant;
- (C) The granting of a variance will not result in increased risk of fire, additional threats to public safety, extraordinary public expense, or create nuisances, cause fraud or victimization of the public; and

(D) Variances shall only be issued upon a determination that a variance is the minimum necessary, considering the fire hazard, to afford relief.

Economic hardship shall not constitute the sole basis for granting a variance. A hearing before Commissioners' Court regarding variances shall be requested in a matter provided in Section 6.3 of this Code. If a variance is granted a permit shall be issued and the Permittee shall conform to all applicable provisions of this Code except the Sections for which the variance is granted. Appeals, variances do not extend permit completion dates but may be used if requesting extensions.

## SECTION 7

### ENFORCEMENT

#### 7.0 Enforcement

- (A) If any person violates any provisions of this Code, the Fire Code Official may notify the County Attorney and request that the County Attorney take whatever action is necessary to remedy the violation, including but not limited to filing suit to enjoin the violation and/or seek a civil penalty under Texas Local Government Code §233.067 of up to \$200.00 for each day a violation exists. If a violation continues, San Jacinto County may file a Certificate of Non-Compliance in the Real Property Records of San Jacinto County. Once the violation has been resolved any individual may request a Certificate of Compliance be filed in the Real Property Records of San Jacinto County. The violator shall bear any cost of effecting compliance.
- (B) The San Jacinto County Fire Marshal or his/her designee(s) may issue citations for violations of this Code or the *International Fire Code, 2009 Edition*, including additions, insertions, deletions and changes, prescribed in "Exhibit A" hereto. An offense is punishable by a fine not exceeding \$500.00.
- (C) All monies collected under this section shall be placed in a fund under control of the County Auditor and used only for the administration and enforcement of this Code.

#### 7.1 Violations of Conditions of Regulations

Any person having knowledge of a violation of this Code may file a complaint with the Fire Code Official.

#### 7.2 Contempt of Commissioners' Court

Commissioners' Court may punish contempt by fine or imprisonment in accordance with the provisions of Section 81.023, Texas Local Government Code, as amended. Any person securing a permit under this Code does so on the representation to Commissioners' Court that he/she will comply with the terms of the permit and with these requirements and other County regulations. Violations of such representations to Commissioners' Court constitute contempt of Commissioners' Court. Additionally, Commissioners' Court has the power to enforce its Orders by Civil Contempt. If the Commissioners' Court finds the defendant to be guilty of contempt, it will enter such Orders consistent with General Law as it deems appropriate to punish the person guilty of contempt, and will enter such other and further Orders enforceable by civil and criminal contempt, and consistent with its authority under general laws, as Commissioners' Court deems necessary to enforce and protect its jurisdiction over the matter, and to uphold the integrity of this Code. Procedures for contempt proceedings before Commissioners' Court will be consistent with procedures in actions before other courts in this State for

enforcement of Court Orders, and for the protection of the jurisdiction of Courts by the process of contempt.

## **SECTION 8**

### **FORMS, RECORDS, AND FEES**

#### **8.0 Forms**

Forms to be used in the Administration of this Code shall be promulgated by the Fire Code Official.

#### **8.1 Maintenance of Records**

The Fire Code Official must maintain all applications for, and file copies of, permits for a retention period of not less than three (3) years from the date the permit expired. Drawings and specifications on file with the Fire Code Official may be returned to the applicant or Permittee after completion of the structure if requested in writing when obtaining the permit or they may be destroyed after completion if not requested as specified before.

#### **8.2 Fees**

Permits for Construction or Substantial Improvement will be issued by the San Jacinto County Permit Department as determined and approved by Commissioners Court.

- (A) Permits for Construction and Substantial Improvement will be charged fees. These fees will be assessed when applying for a permit.
- (B) Fees will be assessed by the San Jacinto County Fire Code Official and approved in Commissioners' Court.
- (C) Fees under this Code are established by a separate San Jacinto County Commissioners' Court Order and may adjust annually.

## **SECTION 9**

### **SEVERABILITY AND CONSTRUCTION**

The provisions of this Code are severable. If any word, phrase, clause, sentence, section, provision or part of this Code should be invalid or unconstitutional, it shall not affect the validity of the remaining portions and it is hereby declared to be the intent of the Commissioners' Court that this Code would have been adopted as to the remaining portions, regardless of the invalidity of any part. In the event that any provision of this Code might be interpreted in such a way as exceeding the County's authority, such provision should be construed to apply only to the extent authorized by law.

## EXHIBIT A

### ADDITIONS, INSERTIONS, DELETIONS AND CHANGES TO THE *INTERNATIONAL FIRE CODE, 2009 EDITION*

The following additions, insertions, deletions, and changes are made to the *International Fire Code, 2009 Edition*, as adopted by San Jacinto County

The definitions of **Fire Chief, Fire Code Official and Occupancy Classification** in Section 202 are amended to read:

**Fire Chief:** San Jacinto County Fire Marshal

**Fire Code Official:** The San Jacinto County Fire Marshal or a designee of such individuals as appointed by Commissioners' Court.

**Occupancy Classification:** For the purpose of this Code, certain occupancies are defined as follows which all may or may not apply at this time:

{B} Group 1-2. This occupancy shall include buildings and structures used for medical, surgical, psychiatric, nursing or custodial care for persons who are not capable of self-preservation. This group shall include but not be limited to, the following:

Child Care Facilities  
Detoxification Facilities Hospitals  
Mental Hospitals/Facilities  
Nursing Homes/Adult Day Care Facilities

Exception: Existing Group 1-2 occupancies are permitted to comply with the current fire & life safety requirements of the licensing agency.

Group 1-4: Day Care Facilities

This group shall include buildings and structures occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians, relatives by blood, marriage, or adoption, and in a place other than the home of the person cared for. A facility such as the above with five or fewer persons shall be classified as Group 1-3 or shall comply with the *International Residential Code* in accordance with Section 101.2 of the *International Building Code*. Places of worship during religious functions are not included.

Adult Day Care Facilities:

A facility that provided accommodations for less than 24 hours for more than 5 unrelated adults and provides supervision and personal care services shall be classified as Group 1-4.



**Exception:**

Where the occupants are capable of responding to an emergency situation without physical assistance from staff, the facility shall be classified as Group R-3.

**Child Care Facility:** Child care facilities that provide supervision and personal care on less than a 24-hour basis for more than 5 children 2½ years of age or less shall be classified as Group 1-4.

**Exceptions:**

- 1) A child day care facility that provides care for more than five but no more than 100 children 2½ years or less of age, where the rooms in which the children are cared for are located on a level of exit discharge serving such rooms and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.
- 2) A child day care facility located in a single-family dwelling that provides care for up to 12 children of any age is permitted to comply with the current fire & life safety requirements of the licensing agency.

**R-3:**

Residential occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including:

Buildings that do not contain more than two dwelling units.

Adult care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours.

Childcare facilities that provide accommodations for five or fewer persons of any age for less than 24 hours.

Congregate living facilities with 16 or fewer persons.

Adult care and childcare facilities that are within a single-family home are permitted to comply with the *International Residential Code*.

Foster Care Homes and Adoption Homes with less than 7 children shall comply with the current fire & safety requirements of the licensing agency.

**The following occupancy definition is added under Residential Group R:**

**RV-Recreational Vehicle Parks and Campgrounds** offering temporary living sites for use by recreational vehicles, recreational park trailers and other camping units shall comply with this code and NFPA 1194, 2011 Edition.

**Section 101.1** is amended to read as follows:

101.1 Title; These Regulations shall be known as the Fire Code of San Jacinto County, hereinafter referred to as “this Code”.

**Sections 105 and 108** are deleted in their entirety.

**Section 109.2 is amended to read as follows:**

109.2 Notice of Violation or Citation; When the Fire Code Official finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this Code, the Fire Code Official is authorized to prepare a written notice of violation or citation (as applicable under state law) describing the conditions deemed unsafe and when compliance is not immediate, specifying a time for reinspection or appearance in court.

**Section 109.3 is amended to read as follows:**

109.3 Violation Penalties; Persons who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certificate used under provisions of this Code, shall be guilty of a misdemeanor, punishable by fine of not more than \$500.00 (five hundred dollars). Each Day that a violation continues after due notice has been served shall be deemed a separate offense.

**Section 109.3.2 is added:**

109.3.2 Offense Penalties; Penalties for citations issued by the Fire Marshal or his/her designee, shall be as listed below, plus applicable court cost (from NFPA 1194):

Code	Section	Offense	Fine
Fire	5.1 (c)	Occupancy Prohibited- (Occupancy before issuance of Certificate of Compliance	\$500.00
Fire	109.1 4.1	Unlawful Act; Working without Permit	\$250.00
Fire	109.2.2 111.4	Failure to comply with orders and notices	\$100.00 to \$500.00
Fire	109.2.4	Unauthorized Tampering	\$250.00
Fire	110.2	Unsafe Building- Evacuation	\$500.00
Fire	503.4	Obstruction/Obstructing	\$500.00
Fire	1030.3	Obstructing Means of Egress	\$500.00
Fire/Building	All Others	All Other Violations	\$100.00 to \$500.00

**109.4 Enforcement Authority of County Fire Marshal:** The enforcement procedures set forth in this Section shall not be construed or limit the Fire Marshal's inspection and enforcement authority under Section 352.016 of the Texas Local Government Code or the availability of criminal penalties under Section 352022 of the Texas Local Government Code.

**Section 111.4 is amended to read as follows:**

111.4 Failure to Comply: Any person who shall continue any work after having been served with a "stop work" order; except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a Class 2 misdemeanor, punishable by a fine of not more than \$500.00. Each day that work continues after a "stop work" order has been served shall be deemed a separate offense.

**The definition of Fire Lane in Section 502.1 is amended to read:**

Section 502.1 Fire Lane: A road or other passageway developed to allow passage of fire apparatus. A Fire Lane is not necessarily intended for vehicular traffic other than fire apparatus. Fire Lane shall mean any area appurtenant to entrances of a building deemed necessary by the Fire Marshal or his designee to remain free and clear of parked vehicles for access to such building in case of fire or other emergency and designated by him as such, and may include sidewalks, driveways, portions of parking lots, or any other area adjacent to or near building entrances or exits, or any fire hydrant Fire Lanes identified or designated by the Fire Marshal or his/her designee shall be conspicuously marked and identified as set out in this code.

**Section 503.3.1 is added:**

Section 503.3.1 Marking of Lanes: Each Fire Lane shall be continuously marked on both sides of such lane with *red paint*, either on the curb, or where the curbs are not present, with a continuous line not less than four inches (4") wide. On the *red painted* surface, the wording "NO PARKING FIRE LANE" in *white* letters Three inches (3") high shall be conspicuously and legibly marked and applied at each end and at least every 25 feet. Where surface materials or conditions do not allow marking of lanes with "*red paint*" fire lane signs shall be installed no lower than six feet (6') or higher than seven feet (7') above the ground as measured from the bottom of the sign. A fire lane sign shall be installed at each end of the fire lane with arrows pointing toward each other (Type "A" or "C"). Additional signs (Type "D") shall be installed every 25 feet along the fire lane. There shall not be less than two signs in each continuous fire lane. Fire apparatus access roads 20 to 26 feet wide shall have signs posted on both sides as a fire lane. Fire apparatus access roads more than 26 feet wide shall be required to have signs posted on only one side of the road as a fire lane. Signs shall have "*Red*" letters on a "*White*" reflective background and be designated as indicated below.

SIGN TYPE "A"



SIGN TYPE "C"



SIGN TYPE "D"



**Sections 506.1 Lock Boxes**

Section 506.1 Where required; Lock Boxes of an approved type are required for all new gated communities and multi-unit housing projects.

**Section 507.1 is amended by adding the following sentence:**

A water supply as otherwise required by this section will not be required if the responsible emergency services district (ESD) or fire department (FD-VFD) provides a letter stating they can provide sufficient fire flow for the specific project.

**Section 510 is deleted in its entirety.**

**Section 3309 is amended to read as follows:**

Section 3309 Fireworks 1.4G Retail Storage, Display and Sale

3309.1 General:

Design and construction of buildings in which Fireworks 1.4G are to be stored, sold, and/or displayed shall comply with this Code and the Texas Fireworks Rules, current edition, as promulgated by the Texas State Fire Marshal.

**Section 4604.1 is amended to read as follows:**

Means of Egress in existing buildings shall comply with the minimum egress requirements when specified in Table 4603.1 as further enumerated in Sections 4604.2 through 4604.23, and the building code that applied at the time of construction. Where the provisions conflict, the most restrictive provision shall apply. Existing buildings that were not required to comply with a building code at the time of construction shall comply with the minimum egress requirements when specified in Table 4603.1 as further enumerated in Sections 4604.2 through 4604.23. Section 1004 shall apply to existing buildings. Egress requirements not addressed by this section shall be determined by utilizing the State's current adopted edition of NFPA 101 Life Safety Code.

Appendix A is not adopted.

Appendix B, C, D, E, F, G, H, I, and J are each adopted in their respective entirety.

**EXHIBIT B**

**FEE SCHEDULE**

<b>Reviews</b>					
New Construction Building	SF over 6000	X	\$0.10	+	\$100.00
Fire Sprinkler Review	Devices	X	\$0.25	+	\$100.00
Fire Alarm Review	Devices	X	\$0.25	+	\$100.00
Remodel/Repair	SF over 6000	X	\$0.10	+	\$100.00
Hood Suppression/Ansul System including Acceptance Test	Devices	X	\$100.00		
Site prelim, Construction	Lots/Ac	X	\$10.00	+	\$100.00
<b>Compliance Testing</b>					
Fire Sprinkler Visual Hydro	Floors	X	\$100.00		
Fire Alarm	Floors	X	\$100.00		
Fuel Tank/Line pressure Test & Nat/LPG gas	Tests	X	\$100.00		
Final Acceptance Inspection CO Issuance	Bldgs	X	\$50.00		
Other Fire Code related test	Tests	X	\$100.00		
<b>Fire Code Permits</b>					
Temp. Membrane Structures/Tents	SF over 400	X	\$0.10	+	\$50.00
Explosive Permits	Permits	X	\$400.00		
Fireworks Display	Permits	X	\$100.00		
Other Fire Permits as Required by Fire Code	Permits	X	\$50.00		
<b>Licensed Fire Code Inspections</b>					
Daycare Center	Inspections	X	\$100.00		
Registered Family Home	Inspections	X	\$100.00		
Nursing/Assisted Living	Beds	X	\$1.00	+	\$120.00
Hospital/Clinic	Beds	X	\$1.00	+	\$160.00
<b>Other Inspections and Standby</b>					
Other Fire Inspections Required by Fire Code	Inspections	X	\$100.00		
Certificate of Occupancy	Inspections	X	\$150.00		
Event Standby (1-truck 2-staff) (2hr Min)	Hours	X	\$150.00		
Onsite Consultation Fee/Inspector (2hr Min)	Hours	X	\$75.00		
Re-inspection Fee (1 <sup>st</sup> Re-inspect is free)	Inspections	X	\$40.00		
Non-Licensed Annual/Safety Inspections Incl. (Schools, Churches, Businesses, Etc.)	Inspections	X	\$0.00	+	\$0.00

San Jacinto Commissioners' Court  
ORDER  
ADOPTION OF FIRE CODE  
LGC-§233.61: and LGC 352

**WHEREAS**, Texas Local Government Code, Chapter 352 and LGC 233, Subchapter "C" §233.061 thru §233.065; and LGC Chapter 232; authorizes counties to adopt a fire code and the regulations necessary to administer and enforce it, including requiring building permits thru the International Fire Code (IFC) and International Building Code (IBC); and

**WHEREAS**, the Commissioners' Court finds that adopting a fire code and requiring permits for the construction of commercial establishments, public buildings, and multi-family dwellings with four (4) or more units in the unincorporated areas of San Jacinto County, Texas allows the County to impose standards to protect the health and safety, welfare and property of the general public. This Code governs the safe-guarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, material, and devices and from conditions hazardous to life or property in the occupancy of buildings and premises in Unincorporated San Jacinto County.

**WHEREAS**, the *International Fire Code, 2009 Edition*, published by the International Code Council, provides appropriate protective measures and continuity with other local governments in San Jacinto County and surrounding areas.

**WHEREAS**, the Commissioners' Court has considered the proposed code and deems it appropriate to adopt it as the first code for the unincorporated areas of San Jacinto County, Texas as San Jacinto County Fire Code in the Amended 2020 Subdivision Rules and Regulations Part II, Appendix 5 Article 1; San Jacinto County Fire Code and noted in Part 1; Appendix 3; Article 5, Non-Residential Section, Item #2.

**BE IT THEREFORE ORDERED** that, pursuant to Local Government Codes(s) 352 and §233.061 et seq., a San Jacinto County Fire Code, and a copy of which is attached hereto and incorporated herein for all purposes adopted, to become effective 9/9/2020.

APPROVED and AMENDED, this 19<sup>th</sup> day of November, 2021

_____	County Judge Fritz Faulkner
_____	Pct. 1 Commissioner Laddie McAnally
_____	Pct. 2 Commissioner Donnie Marrs
_____	Pct. 3 Commissioner David Brandon
_____	Pct. 4 Commissioner Mark Nettuno

ATTEST: \_\_\_\_\_  
Dawn Wright, County Clerk

**SAN JACINTO COUNTY  
COMMISSIONERS' COURT  
Agenda Request Form**

REQUESTED COURT DATE: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

Briefly describe agenda item (or items) that you wish to post:

Item 1: \_\_\_\_\_

Item 2: \_\_\_\_\_

Item 3: \_\_\_\_\_

Item 4: \_\_\_\_\_

Does this agenda item (or items) require "ACTION" by the Court? \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_

Signature of Approval: \_\_\_\_\_

NOTE: Must be filed and time stamped with the County Clerk and approved by your precinct member of the Commissioners Court and/or the County Judge by 12:00pm (noon) on the Thursday immediately preceding the next regular meeting of the Commissioners Court.



SAN JACINTO COUNTY  
Permit Division  
Telephone # 936-653-3823  
Fax # 936-653-5290

**Response from San Jacinto County**

- **Will your jurisdiction allow mobile homes and/or RVs in your jurisdiction?** Yes, but we still need advance notification of location, date of delivery to assign a THU-permit. Also, FEMA will need to communicate with Power Suppliers for Pole Specification before sending any more crews who do not properly install.
- **Are there permit requirements that FEMA will have to satisfy in order to place these units?** Yes-for tracking and utility connections, Power companies will not connect unless they have a permit. Also, will need to communicate with Power suppliers for Pole Specification before sending any more crews who do not properly install and OSSF items as a new system may be required.
- **Would your community allow placement in the Special Flood Hazard Area (SFHA)?** Yes, but only due to the circumstances brought on by Hurricane Harvey and it is FEMA owned property for short duration. It will be FEMA or their designee to monitor and relocate the applicant in case of a pre-storm event while in county in a THU.
- **Would your community allow occupancy of MIUs and/or RVs without an elevation certificate (EC)?** Yes, but they have to understand they are in a flood prone area and the THU whether MHU or RV is owned by FEMA and not the local jurisdictions. Any issue arising will be between FEMA and the applicant. It is also understood that waiving this does not adversely affect any NFIP policies, rules, or status. An EC will be required for anything other than the THU if applicable per DAP 9453.3.
- **Would your community allow placement of any MHUs or RVs below base flood elevation (BFE)?** Yes, but not to exceed 18 months. After 18 months even if FEMA extends the program, the waiver ceases and EC will be required as locally we view that as a permanent structure. It is also understood that waiving this does not adversely affect any NFIP policies, rules, or status. An extension may be requested on a per unit basis but the request will have to be made prior to deadline of the 18 months and it will have to be in writing from FEMA, GLO, or its monitoring Designee. The extensions granted me be either monthly or no more than quarterly and will cease the date of the program ending from FEMA which at that time the THU will either be removed by FEMA or property owner within 1 week or it becomes a permanent structure which will require EC and compliance with any THU rules.

- **Would your community allow blanket permitting for qualified recipients of MHUs or RVs identified by FEMA or TX GLO?** No. Each structure will need its own THU Permit as it will be used for tracking and the address may be tied to other required permits. We are requiring FEMA, GLO, or COG to advance notice us of any THU before delivery. We are waiving any fees associated to the THU but not any rebuild, remodel, or CE requirements associated for or with Substantial Damage Improvements properties to the Original Damaged Property.

San Jacinto County Commissioners' Court

ORDER

Amending Floodplain Ordinance  
Temporary Housing Guidelines for Hurricane Harvey FEMA 4332

San Jacinto County Commissioners' Court agrees to waive the county permits and fees only on the Temporary Housing Units for the 18-month period beginning on the date of the Presidential Declaration (August 25, 2017), as well as the Base Flood Elevation (BFE) requirement in order to expedite the process of getting those affected back to a normalcy as soon as possible. This waiver shall apply only to those temporary housing units (THU) provided by FEMA, GLO or DETCOG and with approved extensions beyond the 18-month initial period, if the housing extensions are authorized by FEMA and TxGLO in writing prior to the end of the 18-month period.

Persons are still required to get a Waiver Permit (Green) to display on the temporary residence and does not exempt those with Substantial Damage or Improvement Permitting and NFIP Required Permitting for the permanent structure they are displaced from while rebuilding. Permits are to be facing the street and visible from the road at all times the THU is at the location it was delivered to.

Other permits that may be required such as U.S.A.C.O.E. (US Army Corps of Engineers), Wetland, Environmental and Historical (EHP), Parks and Wildlife, Fish and Game, will be continued to be in effect unless waived by the issuing jurisdictions. All other permitting fees are the responsibility of the applicant receiving the THU.

San Jacinto County Commissioners' Court  
ORDER

November 19, 2021 AMENDED SUBDIVISION RULES AND REGULATIONS

**WHEREAS,** Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. §5174) Executive Order (E.O.) 11988, Floodplain Management, may 24, 1977; Executive Order (E.O.) 11990, Protection of the Wetlands, May 24, 1977; 44 C.F.R. §9.13 which mandates Mobile Homes or other Readily Fabricated Vehicles as needing permitting. 44 C.F.R. Parts 59 thru 73 Floodplain: Local Government Code (LOC) 232; and Section 16.343 of the Texas Water Code apply;

**WHEREAS,** the Commissioners' Court finds that amending the floodplain ordinance and requiring permits for the construction of Residential and Non-Residential commercial establishments, public buildings, and multi-family dwellings with four (4) or more units in the incorporated areas of San Jacinto County, Texas allows the County to impose standards to protect the health, safety, welfare and property of the general public. This Code governs the safe-guarding of life and property from flooding and from conditions hazardous to life or property in the occupancy of buildings and premises in Unincorporated San Jacinto County.

**WHEREAS,** FEMA has added new Definitions and Floodplain criteria as to provide appropriate protective measures and continuity with other Federal, State and local governments in San Jacinto County and surrounding areas. These Definitions are memorialized in Part I, Appendix 3 Article 2 Definitions, and in total, the Revised Appendix 3, Articles 1 through Article 5 are updated to meet current FEMA Criteria. Part II, Appendix 5, Article 1 has added the IFC 2009 Fire Code.

**BE IT THEREFORE ORDERED** that, pursuant to LGC 232 and other Authorities as listed above, a copy of the Amended Subdivision Rules and regulations is attached hereto and incorporated here in for all purposes adopted, to become effective November 19, 2021. This document is to be filed as the "Record of Change" for the Subdivision Rules and Regulations with all attachments and placed in the File Copy Book located I the County Clerk's office.

APPROVED AS Amended, this 19<sup>th</sup> day of November 2021.

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County Judge Fritz Faulkner

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Precinct 1 Commissioner Laddie McAnally

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Precinct 2 Commissioner Donny Marrs

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Precinct 3 Commissioner David Brandon

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Precinct 4 Commissioner Mark Nettuno

Attest: \_\_\_\_\_  
Dawn Wright, County Clerk