

**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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**REGULATIONS**  
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**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, 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 (LGC) 232; and Section 16.343 of the Texas Water Code apply;

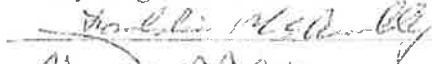
**WHEREAS**, the Commissioners Court finds that amending the floodplain ordinance and requiring permits for the construction of Residential and Non-Residential commercial establishments, public buildings, and multi-family dwellings with four (4) or more units in the unincorporated areas of San Jacinto 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



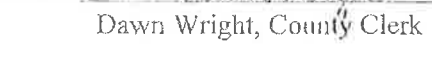
Precinct 1 Commissioner Laddie McAnally



Precinct 2 Commissioner Donny Marrs

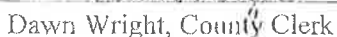


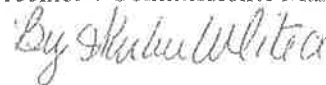
Precinct 3 Commissioner David Brandon



Precinct 4 Commissioner Mark Nettuno

Attest:

  
Dawn Wright, County Clerk



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## 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.

- 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.

- (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.

## 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

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:

- (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.

## 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



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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.

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.

San Jacinto County-Regulations for Subdivisions & Development

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 unconstitutionality 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 MY 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 \_\_\_\_\_.

\_\_\_\_\_  
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.

**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.

**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.

**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 STUDY-** see Flood Evaluation Study.

**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 with out 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.

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



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).			
STRUCTURE VALUE*	Sources: Property Assessment (1) (includes tax factor of _____) Attached Appraisal (Structure Only) (2) *use market value before damage occurred		\$ _____ (A)
REPAIRS  Flood Damage? Yes <input type="checkbox"/> No <input type="checkbox"/>	Describe work needed to repair to pre-damaged condition; provide detailed estimate. Cost* to repair to pre-damaged condition:		\$ _____ (B)
CALCULATING RATIO	$\left(\frac{B}{A}\right) \times 100 \geq C$		_____ % (C)
DETERMINATION	<p>Check all that apply in accordance with the local floodplain management ordinance and all building codes.</p> <p><input type="checkbox"/> Estimates of costs reviewed and accepted</p> <p><input type="checkbox"/> Estimates of costs returned for more information</p> <p><input type="checkbox"/> Appraisal, if provided, reviewed and deemed to represent structure only</p> <p><input type="checkbox"/> Ratio of costs to market value does not constitute "substantial damage"</p> <p><input type="checkbox"/> Ratio of costs to market value constitutes "substantial damage"</p> <p><input type="checkbox"/> Building must be brought into full compliance with the local floodplain management ordinance</p> <p><input type="checkbox"/> Building must be brought into compliance with all building codes</p> <p><input type="checkbox"/> Applicant must submit floodplain/building permit application demonstrating compliance with flood hazard area requirements</p> <p>Issue letter to owner:</p> <p><input type="checkbox"/> Not Substantial Damage</p> <p><input type="checkbox"/> Substantial Damage</p> <p><input type="checkbox"/> Substantially Damaged by Flood (may qualify for NFIP ICC insurance payment)</p> <p>Determination completed by: _____</p> <p>Determination approved by: _____</p> <p>_____ Floodplain Administrator/Building Official</p> <p>_____ Date</p> <p><input type="checkbox"/> SD Worksheet and Letter to Owner put in permit file</p> <p><input type="checkbox"/> Pre-Market Value Assessment put in permit file</p> <p><input type="checkbox"/> Cost Repair Estimate put in permit file</p>		

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  
☐ Flood  
☐ 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

## SDE Residential Worksheet

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## **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 BLE 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 storage, 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  
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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  
Floodplain Administrator for San Jacinto County, TX