

# VICTORIA COUNTY DEVELOPMENT STANDARDS MANUAL



Effective Date:

October 15, 2018

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On October 15, 2018, acting pursuant to Chapter 232, Texas Local Government Code, inclusive of Subchapter E of that Chapter, the Victoria County Flood Damage Prevention Order and the Rules of Victoria County, Texas for On-Site Sewage Facilities, the Commissioner’s Court of Victoria County adopted the following regulations governing the subdivision of land. These regulations shall be known as the Victoria County Development Standards Manual (Manual).

These regulations, as well as required review fees, shall apply to all new applications received on or after the date these regulations were adopted by the Victoria County Commissioner’s Court. Any subdivision applications that were originally submitted prior to that date shall be subject to the regulations and any applicable fees that were in effect at the time of the original submission, unless, at the applicant's option, the applicant elects to proceed under the new regulations or requirements. Any substantial alteration, modification, expansion or change in the previously filed application will subject the previously filed application to these regulations. Compliance with these regulations shall be prerequisite to the approval of any subdivision by Victoria County, except insofar as they may conflict with any applicable state statute.

All proposed infrastructure associated with subdivisions of land, unless exempted, shall fall under this statute. In the event the subdivision infrastructure is not intended to be owned, operated, or maintained by Victoria County, the infrastructure shall still be subject to this statute, regardless of this intent.

## **Section I      General Development Standards Information**

### **(A) Purpose**

The purpose of the Development Standards Manual is to establish guidance related to development in Victoria County. The regulations are intended to simplify procedures, avoid delay, save expense, and facilitate the administration of regulations, while providing the flexibility that developers and engineers seek outside of the City limits. They are also intended to protect the public health and welfare of citizens of Victoria County and the County itself.

### **(B) Legal Authority**

Legal authority for adopting and enforcing the regulations in this Manual is granted to Victoria County under, but not limited to, the provisions of Texas Local Government Code (TLGC) in Chapters 232, 233, 234, 242, 245; Chapter 251 Texas Transportation Code; Chapter 121, 122, 364, 365, 366; Texas Health and Safety Code; Chapter 181 Texas Utilities Code, and Chapters 16, 26, 35, 54, and 352 Texas Water Code.

### **(C) Applicability and Exemptions**

#### **(1) Plat Required**

A plat shall be required when:

- (a) A parent tract is subdivided into two or more daughter tracts, or
- (b) If roads, parks, or other parts of the tract are intended to be dedicated to public use.

#### **(2) Exemptions Provided by TLGC**

Victoria County shall allow for the exemptions provided in the TLGC. A subdivided property shall be exempt from the plat requirement when the owner does not lay out a part of the tract as described in Section I(C)(1) and when:

- (a) All daughter tracts are greater than 10 acres.
- (b) The land is to be used primarily for agricultural use, as defined by Article VIII, Section 1d, Texas Constitution, as amended, or for farm, ranch, wildlife management, or timber production use within the meaning of Article VIII, Section 1-d-1, Texas Constitution, as amended. If a tract of land ceases to be used primarily for these uses, the owner would be required to comply with these regulations on the same basis as any newly divided tract.
- (c) A person makes a conveyance of four or fewer tracts, each of which is sold, conveyed, given, or otherwise transferred, to persons who are related to the owner within the third degree of consanguinity (parent, child, grandparent, grandchild, sister, brother, great-grandparent, great-grandchild, aunt, uncle, niece, nephew) or affinity (the spouse of anyone listed above, or so related to the owner's spouse) for their personal use, provided, however, that each daughter tract is either located on a public road or has access to such a road by a private easement.
- (d) All daughter tracts are to be sold to veterans through the Veteran's Land Board Program.
- (e) The owner of the land is the State of Texas, an agency, board or commission of the State of Texas, or a permanent school fund or other dedicated fund of the State, and the owner does not lay out any part of the tract for roads, parks, or other areas for the common use of two or more tracts or for the use of the public.
- (f) The owner is a political subdivision of the State of Texas, the land is situated in a floodplain, and all lots are sold to adjoining landowners.
- (g) The owner divides the tract into two parts and one new part is retained by the owner and the balance of the property is transferred to another person who will further subdivide the tract subject to the platting requirements herein.
- (h) The owner transfers all parts 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.

(3) Additional Exemptions

Victoria County shall allow for an exemption when two adjacent landowners adjust or change the property lines between them if the same number of tracts result.

Victoria County shall allow for any tract whose boundary has not changed since October 15, 2018 to be sold in its entirety.

Victoria County shall allow for final plats approved prior to October 15, 2018 to be exempt from these regulations. However, if a plat or plan has been approved and is subsequently modified, the plat and plan modifications shall comply with the most recently adopted regulations.

(4) Exemption Form

All proposed subdivisions of land that are exempt from compliance with the Manual shall be required to file an exemption form with the County. The purpose of the exemption form is for the County to have knowledge of the land subdivisions in the County and confirm that the property filing an exemption is indeed entitled to the exemption. A fee shall not be assessed to file an exemption. The County shall review the exemption application within 10 days of receipt of the application. The exemption form shall be reviewed by Commissioner’s Court and subsequently filed with the County Clerk.

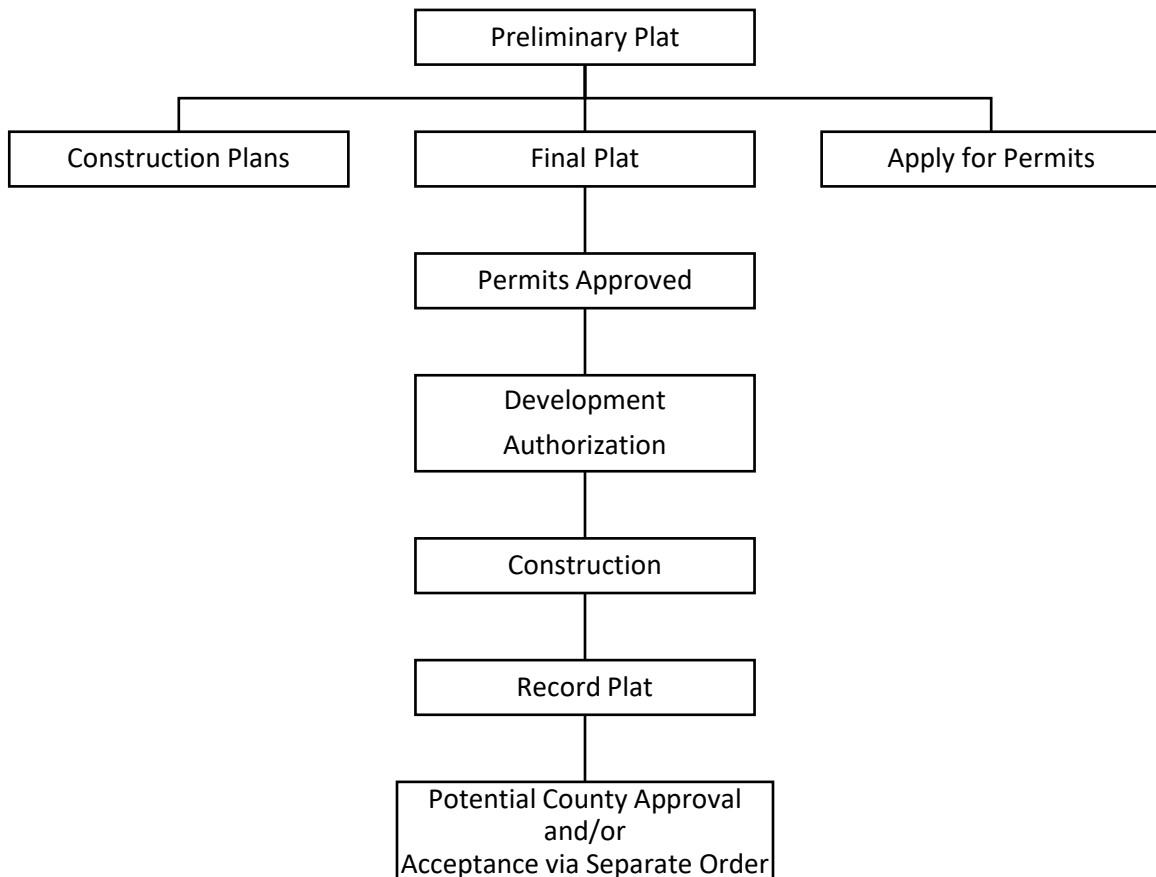
(5) Controlling Regulation

If these regulations are found to conflict with other Victoria County Orders, the more stringent requirements shall apply. A variance may be submitted to regulate to the less stringent requirement following the County’s variance procedures.

Development within the Extraterritorial Jurisdiction (ETJ) of the City of Victoria shall comply with the most recent Interlocal Agreement Between City of Victoria and Victoria County for Regulation of Subdivisions in the City of Victoria’s Extraterritorial Jurisdiction.

(D) General Process

The following flowchart provides a schematic of the process leading to the potential acceptance of public improvements within a subdivision of land. County approval is not guaranteed, nor implied.



The preliminary plat shall be the first step for applicants.

The final plat, construction plans, and permit applications may be submitted concurrently. Reviews of the construction plans and final plat shall continue until all comments are addressed, regardless of verbal action from Commissioners Court.

Permit approval shall be obtained once the construction plan and final plat review comments are addressed.

Multiple permits may be required, depending upon proposed improvements. One overall Development Authorization shall be required to confirm that all necessary permit approvals have been obtained prior to construction.

Once a Development Authorization is provided by the County, construction may begin.

Upon completion of construction, a record plat shall be submitted to Commissioner's Court for approval and subsequently filed with the County Clerk. Victoria County shall not sign the plat until the items noted in Section VII(E) are completed.

Once the record plat is filed with appropriate approvals, the County may accept public infrastructure under a separate Order of the Commissioners Court, if the County deems a sufficient public purpose exists.

(1) Commissioner Review, Authority, and Administration

Each County Commissioner (Commissioner) shall have the authority to review the plats, construction plans, and permit applications within their precinct. The Commissioner shall have the authority to approve permits within its purview, coordinate permit approval with other departments, and provide the Development Authorization. The Commissioner may outsource plat and plan reviews to external parties. In this Manual, the term "Commissioner" means the County Commissioner within whose jurisdiction the proposed project is located, and/or an external party given authority by the Commissioner to review the proposed project.

Commissioners Court shall approve final plats for filing purposes only.

(2) Review Period

The County shall review plat applications for completeness and notify an applicant of missing documentation within 10 days of receipt of the application.

The application shall expire 45 days after the date of the application if the applicant fails to provide the documents or other required information.

The County shall review the plat application within 30 days, once a complete submittal is received. The County shall review the entire plat application within 60 days, including appeals.

The preliminary plat shall expire after two years. If the final plat has not been submitted for approval and/or substantial progress has not been made within such time, the preliminary plat shall be deemed null and void, unless the Commissioner approves an extension of time. A formal request for an extension shall be required to be submitted prior to the two-year deadline.

(3) Variances

Requests for a variance from the Manual shall be obtained through Commissioners Court following review by the Commissioner. A variance request shall be submitted to the Commissioner and shall include documentation justifying the request for variance, certified by a Professional Engineer. The Commissioner shall convey the variance to the Commissioners Court. Approvals and rejections of the variance requests shall be incorporated into official Court minutes.

(4) Appeal Process

If a plat or plan is rejected by the County or its reviewer, the applicant may appeal the decision through Commissioners Court. The applicant may file an appeal with the County Clerk within 10 business days of receipt of the formal rejection. The County Clerk and Commissioner shall provide the Court with the name and additional necessary information related to the appeal, for inclusion on the Court agenda at least 72-hours prior to the meeting of the Commissioners Court.

(5) Permit Types

The following types of permits may be required, depending on the proposed improvements associated with each site.

- (a) Special Flood Hazard Area Permit
- (b) Manufactured Home Rental Community Permit
- (c) On-Site Sewage Facility (OSSF) Operating Permit
- (d) Minor Project Approval
- (e) Use of County Properties or Facilities Permit

(6) Administration and Penalties

Noncompliance with the Manual is considered a Class B Misdemeanor. In the event of noncompliance, the County may issue a stop work order. At the request of the Commissioners Court, the District Attorney or Justice of the Peace may administer the penalties.

(7) Conflicts of Interest

If a member of the Commissioners Court or reviewing department has an interest in a subdivided tract, the member shall file an affidavit with the County Clerk stating the nature and extent of the interest. The member shall abstain from further participation in the matter. Nondisclosure of conflict of interest is considered a Class A Misdemeanor.

(E) Plat and Plan Review Fees

Applicants shall provide the appropriate review fee associated with each submittal.



(1) Waivers

Plat and plan review fees may be waived if it is determined by the Commissioner to be in the interest of the public. The Commissioner may waive fees assessed to Political Subdivisions under these regulations to the extent that those Political Subdivisions have or will waive similar or corresponding fees assessed to the County for similar types of approvals. Political subdivisions shall be a county, municipality, school district, junior college district, housing authority, authority established by the Texas Legislature, municipal utility district, water control and improvement district, groundwater conservation district, emergency services district, other special district, or other political subdivision of the State of Texas.

(2) Schedule of Fees and Payment of Fees

The schedule of fees is provided in Appendix A. These fees may be amended from time to time by the Commissioners Court without amending or affecting the remainder of this Manual.

All fees for applications, permits, inspections or other fees required or allowed under these regulations shall be made payable to the Victoria County. The fees shall be determined in U.S. dollars in accordance with the most recent fee schedule approved by the Commissioners Court. Payment may be made using any payment method established by the Commissioners Court for transacting County business.

Fees shall be paid at the County Judge's office.

**Section II      Platting Requirements**

(A) Preliminary Plat

(1) Preliminary Plat Requirements

Platted properties shall be required to be current on taxes due. If the property is found to be delinquent, the processing and review shall be suspended.

The owner of the platted property shall be required to notify subdivisions and/or property owners within 500 feet that a preliminary plat application has been submitted. The Commissioner shall coordinate with the Victoria Central Appraisal District to provide the platted property owner with the names and addresses of the property owners to be notified. This shall be conducted once a complete plat application is received and a list of subdivisions and/or property owners is requested by the applicant, but prior to the end of the 60-day review period.

The applicant shall provide one digital copy and four hard copies of the preliminary plat to the Commissioner. The hard copies shall be a minimum of 18" x 24".

A preliminary plat may be placed on the Commissioners Court agenda upon approval by the Commissioner. The Commissioner shall provide the Court with the name and additional necessary information related to the preliminary plat, for inclusion on the Court agenda at least 72-hours prior to the meeting of the Commissioners Court.

(2) Preliminary Plat Contents

The following items shall be provided on the preliminary plat:

(a) Title block, including subdivision name, block(s), lot(s), acreage, name of city, county and state, and the location and description of the property referenced to the original legal description. The subdivision name shall not duplicate any existing subdivision name. If the property is part of an existing subdivision, the existing subdivision name shall be used. If no subdivision name has been chosen, the name of the property as it is commonly or locally known shall be indicated.

(b) Name, address, and signature of the legal owner(s) of the property included in the proposed subdivision. If the applicant is not the legal owner, a statement of the agent's authority and interest shall be submitted with the application. Such statement, which shall be signed by the legal owner(s), shall be made in the following form:

I (we), the undersigned, being the legal owner(s) of the land shown on this plat, hereby designate (print name of agent) as my (our) agent, duly authorized to act on my (our) behalf in matters pertaining to the platting of this property.

\_\_\_\_\_  
Owner(s)

- (c) Name, address and signature of the registered surveyor responsible for preparing and designing the plat and surveys. If public improvements are involved, the name, address, and signature of the registered engineer responsible for designing such improvements shall also be provided.
- (d) A location map at a scale of not more than 1,000 feet to the inch, showing existing streets, and subdivisions in the area surrounding the site.
- (e) The scale, north arrow, and date of original and all revisions.
- (f) The location, dimension, right-of-way width, paving width, and name of all existing or proposed streets, alleys, railroads, and other public ways within or immediately adjacent to the tract.
- (g) The location and dimensions of any existing structures, fences, paved areas, cemeteries or burial grounds, and other existing features within the proposed subdivision. Insignificant temporary improvements which will be removed during development may be omitted, except that all existing buildings, whether temporary or permanent, shall be shown.
- (h) The location of any existing or abandoned landfills, dump sites, hazardous waste dump sites, or any inventories of hazardous materials.
- (i) The location of any watercourses, water bodies, flood hazard areas, significant tree masses, slopes, or other natural features within the area to be subdivided.
- (j) Topographic information showing existing contours based on National Geodetic Vertical Datum (NGVD), with intervals not to exceed two feet, and such contour lines to be not more than one hundred (100) horizontal feet apart; however, contours of less than 0.5' shall not be required.
- (k) The location and dimensions of the subdivision's boundaries; and the existing and proposed blocks, lots, setback lines, and easements, including the square footage of the lots. In lieu of providing the square footage of each lot, a statement may be placed on the plat which certifies that all lots meet the appropriate lot size requirements.
- (l) The locations, sizes and other appropriate descriptions of the following existing infrastructure:
  - (i) Water mains, service connections, and any special structures such as wells, elevated storage tanks, and pump stations;
  - (ii) Sanitary sewer mains, service connections, and any special structures or facilities such as lift stations, septic systems, lagoons, oxidation ponds, and package plants; and
  - (iii) Stormwater drainage mains, channels, retention or detention ponds, and other major drainage facilities, including the area in acres served by such facilities; and special structures such as dams, spillways, dikes, or levees.

- (m) The approximate locations, sizes, and other appropriate descriptions of the following proposed infrastructure:
  - (i) Water trunk mains, connections to facilities, and special structures such as elevated storage tanks and pump stations;
  - (ii) Sewer trunk mains, connections to facilities, and special structures and facilities such as lift stations, lagoons, oxidation ponds, and package plants. Additional information concerning such special structures and facilities may be required by the Commissioner prior to approval; and
  - (iii) Stormwater drainage mains, channels, retention or detention ponds, and other major drainage facilities, including the approximate area in acres served by such facilities; special structures such as dams, spillways, dikes, or levees; and the location of the regulatory floodplain upon completion of the proposed improvements, along with an engineering report on the downstream flood impacts.
- (n) The location of all existing or abandoned oil or gas wells, oil or gas pipelines, and other appurtenances associated with the extraction, production, and distribution of petroleum products, and all related easements on the site or on immediately adjacent property.
- (o) Conditions on immediately adjacent property that have a direct impact on the proposed development, which may include items listed in sub-sections (h), (i), (l), and (n) above. For the items listed in sub-sections (h) and (n), only those conditions on adjacent property which can be identified by physical observation from the subject property shall be noted on the preliminary plat.
- (p) Any proposed supplemental transportation systems, showing the layout and dimensions of walkways, sidewalks, bike trails, horse trails, and other related improvements.
- (q) The approximate location, dimension and area of all parcels of all proposed to be set aside for park or playground use, or other public use, or for the common use of property owners in the proposed subdivision.
- (r) The functional classification of every street within or adjacent to the subdivision, based on the proposed design. The appropriate term (expressway, primary arterial, secondary arterial, collector, or local) shall either be placed directly on each street, or a list of the streets in the subdivision, with their corresponding functional classifications.
- (s) The names of the owners of all parcels abutting the subject property, with deed references. If property abutting the subject property is in a platted subdivision, it may be referenced by the plat reference rather than individual deed references.
- (t) The following statistical data:

- (i) The total number of gross acres;
- (ii) The total number of lots;
- (iii) The number of dwelling units, the acreage, and the gross residential density, by housing type;
- (iv) A statement, confirmed by engineering analysis, that the existing utility mains serving a proposed subdivision are adequate, or that private on-site sewage facilities and/or the operation of properly-permitted water wells, whether existing or proposed, are adequate to furnish the water supplies needed for the proposed subdivision. The need for additional information shall be determined as follows:

Upon receipt of a preliminary plat, the Commissioner shall review the proposed development. They shall determine whether further study shall be required to assess the development's impact on the existing water/wastewater systems. If the Commissioner determines that further study is necessary to confirm the adequacy of the existing mains to serve the new development, the plat shall be marked, identifying the point from which the developer's engineer shall be required to confirm by analysis the adequacy of the existing or proposed system to serve the proposed development. The Commissioner shall obtain the following information from the general plans and/or field investigation, and provide such information to the developer: the size(s) and type(s) of material of the line(s), the slopes, and the flows or pressures, as appropriate.

- (u) The following note:  

"ALL MAINTENANCE SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS OF THE SUBDIVISION THROUGH THE (Name of Subdivision) PROPERTY OWNERS ASSOCIATION. ALL INFRASTRUCTURE IS NOT THE RESPONSIBILITY OF VICTORIA COUNTY UNLESS ACCEPTED FOR SUCH MAINTENANCE UNDER SEPARATE ORDER OF COMMISSIONERS COURT." The affected areas shall be clearly indicated.
- (v) Minimum required finished floor elevation for each lot
- (w) Plat File Number, as assigned by Victoria County during initial plat review.

(B) Final Plat

(1) Final Plat Requirements

If there is a revision to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) panel since approval of the preliminary plat, but prior to approval of the final plat, the final plat shall be revised prior to final approval.

The applicant shall provide one digital copy and four hard copies of the final plat to the Commissioner. The hard copies shall be a minimum of 18" x 24".

A final plat shall be placed on the Commissioners Court agenda upon approval by the Commissioner. The Commissioner shall provide the Court with the name and additional

necessary information related to the file plat, for inclusion on the Court agenda at least 72-hours prior to the meeting of the Commissioners Court.

(2) Final Plat Contents

The final plat shall provide the following information:

- (a) Title block, including subdivision name, block(s), lot(s), acreage, name of city, county and state, and the location and description of the property referenced to the original legal description.
- (b) Name, address, and signature of the legal owner(s) of the property included in the proposed subdivision.
- (c) Name, address, and signature of the registered surveyor responsible for preparing and designing the plat and surveys. If public improvements are involved, the name, address and signature of the registered engineer responsible for designing such improvements shall also be provided.
- (d) A location map at a scale of not more than 1,000 feet to the inch, showing existing streets and subdivisions in the area surrounding the site.
- (e) The scale, north arrow, and date of original and all revisions.
- (f) The proposed land use of all lots.
- (g) The location and description of all permanent survey monuments in or near the tract, to at least one of which the subdivision shall be referenced.
- (h) The length of all required lines dimensioned in feet and decimals thereof, and the value of all required true bearings and angles dimensioned in degrees and minutes, as hereafter specified.
- (i) The boundary lines of the land being subdivided fully dimensioned by lengths and bearings, and the location of boundary lines of adjoining lands, with adjacent subdivisions identified by official names.
- (j) The lines of all proposed street rights-of-way, fully dimensioned by lengths and bearings.
- (k) The lines of all proposed alleys. Where the length or direction of an alley is not readily discernible from data given for lot and block lines, the length and bearing shall be given.
- (l) The widths and names of all proposed streets and alleys, and of all adjacent streets, alleys, and easements which shall be properly located.
- (m) The lines of all proposed lots fully dimensioned by lengths and bearings or angles, except that where a lot line meets a street line at right angles, the angle value may be omitted.

- (n) The outline of any property, other than street rights-of-way or easements, which is offered for dedication to public use, fully dimensioned by lengths and bearings.
- (o) The blocks numbered consecutively throughout the entire subdivision and the lots numbered consecutively throughout each block, with addresses of all lots.
- (p) The location of all building setback lines and easements for public services or utilities, with dimensions showing their location.
- (q) The radii, arcs, points of tangency, points of intersection, and central angles for curvilinear streets and radii for all property returns. Distance measured along curves shall be arc lengths.
- (r) The following note shall be placed on all final plats where access to arterial and/or expressway streets has been limited: "ACCESS PROHIBITED." The lots and area affected by such limitation shall be clearly indicated.
- (s) The following note shall be placed on all roadways, drives, access facilities, and common areas: "ALL MAINTENANCE OF THIS AREA SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS OF THE SUBDIVISION THROUGH THE (Name of Subdivision) PROPERTY OWNERS ASSOCIATION. ALL INFRASTRUCTURE IS NOT THE RESPONSIBILITY OF VICTORIA COUNTY UNLESS ACCEPTED FOR SUCH MAINTENANCE UNDER SEPARATE ORDER OF COMMISSIONERS COURT." The affected areas shall be clearly indicated.
- (t) The applicant shall place the following note on the County's certified copy of the final plat containing areas within the regulatory floodplain as designated within the most current FEMA Study Report: "FLOOD HAZARD AREA. THIS AREA HAS BEEN DESIGNATED AS SUBJECT TO INUNDATION BY THE BASE FLOOD." The affected area, per the most current FEMA FIRM, shall be clearly indicated, along with the panel number and the date of the FIRM.
- (u) Location and description of monuments.
- (v) The following shall be made and shown on the final plat:
  - (i) Surveyor's certificate, to be placed on the subdivision plat, along with the surveyor's seal and signature:
 

"KNOW ALL MEN BY THESE PRESENTS: That I, \_\_\_\_\_, do hereby certify that I made an actual and accurate survey of the platted land, and that the corner monuments shown on the foregoing plat were properly placed under my personal supervision, in accordance with the Development Standards Manual of Victoria County, Texas."

\_\_\_\_\_  
Signature of Surveyor

\_\_\_\_\_  
Texas Registration #

- (ii) Certificate of approval by Commissioners Court:

"Approved this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, by the Commissioners Court of the County of Victoria, Texas."

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

- (iii) A certificate of ownership of all land covered by the plat and dedication of all streets, alleys, parks, easements, and other land intended for public use, signed by the owner(s), and by all other persons owning an interest in the property subdivided and platted, which shall be acknowledged in the manner prescribed by the laws of the state for conveyance of real property, in the following form:

"THE STATE OF TEXAS

COUNTY OF VICTORIA

This is to certify that I(we), [name(s) of owner(s)], am(are) the legal owner(s) of the land shown on this plat, being the tract of land as conveyed to me(us) by deed dated (date) and recorded in Volume, Page, of the Deed Records of Victoria County, Texas, and designated herein as the (Subdivision Name) in Victoria County, Texas.

FURTHER, I(we), the undersigned, do hereby DEDICATE to the use of the public forever all streets, alleys, parks, watercourses, drains, easements, and public places shown on this plat for the purpose and consideration therein expressed.

\_\_\_\_\_  
Owner(s)

THE STATE OF TEXAS

COUNTY OF VICTORIA

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, and acknowledged to me that such person executed the same for the purpose and considerations therein stated.

Given under my hand and seal of office this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Texas"

- (iv) Holders of all liens against the property being platted shall execute a Lienholder's Acknowledgement and Subordination Statement, which shall be in the following form:



"I (we), [Name(s) of mortgagee(s)], owner(s) and holder(s) of a lien (or liens) against the property shown on this plat, said lien(s) being evidenced by instrument of record in Volume \_\_, Page \_\_, of the Deed Records of Victoria County, Texas, do hereby in all things subordinate our interest in said property to the purposes and effects of said plat and the dedications and restrictions shown herein to said plat. Further, I (we) hereby confirm that I am (we are) the present owner(s) of said lien(s) and have not assigned the same nor any part thereof.

\_\_\_\_\_ Lienholder(s)

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

- (v) An accurate metes and bounds description of the subdivision.
- (w) The following statistical data:
  - (i) The total number of acres;
  - (ii) The total number of lots;
  - (iii) The number of dwelling units, the acreage, and the gross residential density, by housing type;
  - (iv) The number of lots and acreage allocated to commercial and industrial uses including the square footage of commercial and industrial structures, if available;
  - (v) The acreage allocated to parks and common residential use;
  - (vi) The acreage allocated to common open space; and
  - (vii) The lineal footage of proposed public local, collector and arterial streets.
- (x) Minimum required finished floor elevation for each lot.
- (y) The approximate locations and sizes for proposed driveway culverts.
- (z) Plat File Number, as assigned by Victoria County during initial plat review.

(C) Record Plat

(1) Record Plat Requirements

The final plat, as approved by the Commissioners Court for the purpose of constructing streets, utilities, and other commission required improvements to the subdivision, shall not be recorded in the office of the Victoria County Clerk until such time as the requirements in this section have been met.

Within two days of receipt and approval of all documents necessary to file a final plat, the Commissioner shall place the plat on the Commissioners Court agenda and file such plat with the Victoria County Clerk. No public infrastructure shall be accepted upon recording of the

plat, unless under separate Order of the Commissioners Court. Filing of the plat does not constitute acceptance of public infrastructure. After the plat has been filed, the Commissioner shall issue to the subdivider a certificate stating that the plat has been reviewed and approved by Victoria County for filing purposes.

The following requirements shall be met and tendered with a letter of transmittal to the Commissioner two working days prior to the filing of the plat with the Victoria County Clerk:

- (a) A certificate, signed by the subdivider's registered engineer, declaring that all infrastructure improvements have been completed and follow the submitted and approved construction plans; in the following form:

"I(we), (Name of Surveyor or Firm), an individual or firm offering engineering services to the public, have(has) been designated by the owner(s) to design and prepare plans and specifications for the physical improvements to the subdivision known as (Name of Subdivision), located in Victoria County, Texas.

The undersigned certifies that such person has reviewed the as-built drawings, reports of test results and inspections, the accompanying engineering documents and certifications. Engineering computations have been made to adjust and/or confirm the capacities of the as-built drainage system and the adequacy of the physical improvements (and are available for physical examination in the County Judge's Office of Victoria County upon request) to assure that the minimum requirements of the applicable sections of the Development Standards Manual of Victoria County, Texas have been achieved. The undersigned further recommends that the subdivision known as (Name of Subdivision), be approved and accepted by Victoria County, Texas.

_____ Signature of Engineer	_____ Firm Name
_____ Texas Registration #	_____ Business Address
_____ Date	_____ City, State Zip Code"

- (b) A reproducible set of as-built plans. Such as-built plans shall be accompanied by an estimate and quantity sheet indicating quantities for streets, drainage, and utility construction along with all structural appurtenances to be dedicated to the public as part of the proposed subdivision.
- (c) If applicable, a maintenance assurance.
- (d) Digital computer file or files of the final plat containing the coordinate geometry for the subdivision boundaries, lot lines, ROW, and street centerlines. In lieu of submitting the digital computer files, the applicant may pay an additional fee equal to one-third of the required plat review fee.
- (e) Digital computer file or files of the construction plans. In lieu of submitting the digital computer files, the applicant may pay an additional fee equal to one-third of the required construction plat review fee.

**Section III Construction Plan Requirements**

(A) Lot Size and Setback Requirements

(1) Lot Size

Lot sizes shall comply with the requirements provided in Table 1.

**Table 1 – Lot Size Requirements**

<b>Water Supply System</b>	<b>Wastewater Service</b>	<b>Minimum Lot Size (ac)</b>
<b>Public Well</b>	OSSF	0.50
<b>Private Well</b>	OSSF	1.00
<b>Public Well</b>	TCEQ Permitted Public System	None
<b>Private Well</b>	TCEQ Permitted Public System	None
<b>Public Well</b>	TCEQ Permitted Private System	None
<b>Private Well</b>	TCEQ Permitted Private System	None

Lot sizes shall also comply with regulations of the Public Health Department. In the event of a conflict between this Manual and Public Health Department OSSF regulations, the Public Health Department OSSF regulations shall control the lot size.

The lot size shall be calculated free and clear of any easements.

Private wells are those wells which meet the Victoria County Groundwater Conservation District definition of an exempt use well.

(2) Building Setbacks

The building setback line on major highways and roads shall be 50 feet from the edge of the right-of-way.

The building setback line on all public roads other than major highways and roads shall be 25 feet from the edge of the right-of-way.

Building setback lines shall apply on each side of a public roadway.

(B) Easement Requirements

(1) General

The subdivider shall dedicate easements to the public that allow every lot within a subdivision to have access to all available, essential utilities (municipal and franchised). Utilities shall include water, sewer, natural gas, electric, cable television and telephone.

(2) Locations and Widths

Easements shall be provided at the rear of all lots. The rear easements shall be 15 feet in total width, centered on rear lot lines. This requirement does not imply that all utilities must be furnished within the rear easements; additional easements aside from the required rear easement shall be provided as needed.

Where the proposed subdivision abuts an unplatted area under separate ownership or other property under separate ownership on which no easements exist, and the developer shall not arrange for one-half of the 15-foot easement to be dedicated by separate instrument; a 10-foot easement shall be required along the rear of lots abutting such areas. When an easement is required along a boundary between a current and future phase of a proposed subdivision, one of the following two options shall be allowed: either one-half of the easement shall be dedicated on the final plat of the current phase, and one-half would be dedicated by separate instrument; or a 10-foot easement shall be dedicated on the final plat of the current phase and a 5-foot easement dedicated with the future phase.

If conditions exist which make it impractical to serve certain lots with utilities from rear easements, easements may be required along side lot lines; and such easements shall be centered on side lot lines.

The width of a side yard easement may be reduced to a total width of 10 feet, centered on the lot lines, upon approval of the Commissioner, and all affected franchised utility companies.

(3) Street Lights

Where street lights are proposed, street light easements necessary to serve such lights shall be provided. Street light easements shall be a minimum of 5 feet in width, and shall only be utilized for street light wiring. Lighting shall not be maintained by Victoria County.

(4) Drainage Easements

Drainage infrastructure, including such appurtenances as safety end treatments, shall be provided within the right-of-way. If conditions exist which make it impractical to include drainage facilities with road rights-of-way, drainage easements at least 10 feet in width shall be provided.

No buildings, fences, or other above-grade construction shall be allowed in the drainage easements.

(5) Public Utilities

If a sanitary sewer, storm sewer or water main shall be included in an easement with other utilities, such easement shall be at least 20 feet in width.

(6) Additional Easements

Additional easements or easements of greater widths than specified above may be required where it is deemed necessary by the Commissioner. Wider easements may be necessary for the extension of utility mains, storm sewers and drainage, or the accommodation of utilities in other unique situations.

(7) Private Easements

When private easements exist, which can potentially interfere with a proposed public dedication or easement, the subdivision shall be designed to minimize the number and extent of such conflicts.

(8) Pipeline Easements

A pipeline carrying petroleum products shall be located in an easement of sufficient width, as determined by the appropriate regulating agency. In addition, a building setback line shall be established 25 feet from the centerline of the easement on each side of the pipeline. If such pipeline easement exceeds 50 feet in width, the building setback line shall be established at the edge of the easement.

(9) Easements by Separate Instrument

If a public sanitary sewer, storm sewer, fire hydrant, or water main is required to be constructed as part of a private development on property that has previously been platted, a utility easement dedicated to Victoria County by separate instrument shall be provided. The applicant shall submit a current certified survey of the easement area that shall be attached to the filed instrument. All recording fees shall be the responsibility of the applicant.

#### **Section IV Water and Wastewater Availability**

In accordance with TLGC, approval to furnish water utility service from the County is required prior to a utility furnishing water or wastewater service to subdivisions and Manufactured Home Rental Communities under the jurisdiction of these regulations. Prior to furnishing utility service, the prospective utility provider shall apply for certification from the Commissioner stating that the applicable Development Authorization has been issued by the County.

##### **(A) Water and Wastewater Service Plan**

A water and wastewater service plan shall be submitted to demonstrate the availability of water and wastewater service to the proposed development.

##### **(1) Contents of Water and Wastewater Service Plan**

The Water and Wastewater Service Plans shall include the following:

- (a) Description of how water and wastewater service shall be provided to serve all portions of the development.
- (b) Identification of all water and wastewater facilities associated with the proposed development, including infrastructure and any associated permits.
- (c) Identification of all water and wastewater facilities to be placed in County rights-of-way.
- (d) For phased development, the description shall address all water and wastewater facilities proposed to be utilized throughout full build-out of the development.
- (e) For service methods that require any operating and/or maintenance components for any system other than a Texas Commission on Environmental Quality (TCEQ) permitted system, written operations procedures shall be included in the Water and Wastewater Service Plan.
- (f) For developments within the jurisdiction of a Groundwater Conservation District (GCD), a statement acknowledging that all applicable requirements of the GCD shall be met.

##### **(2) Water Availability**

A Professional Engineer or Professional Geoscientist shall demonstrate and certify the water availability for each individual lot within the subdivision.

The following items shall be addressed in all water availability demonstrations:

- (a) An estimate of the amount of water demand throughout all phases of development supported by engineering calculations based on the anticipated timetable for full build-out, including a statement describing the level of fire protection afforded to the proposed phase(s) of the development.
- (b) A statement as to whether there are plans for alternative or backup water service.

- (c) A description of any anticipated new water facility improvements required to service the development.
- (d) A map showing the proposed location of all water facilities throughout all phases of development, as well as the proposed water service area, including any TCEQ-approved service area boundaries of a water service provider operating under a Certificate of Convenience and Necessity (CCN) within the boundaries of the proposed subdivision. This map shall include detail to the scale of each individual lot within the subdivision.
- (e) An estimated timetable for completion of all facilities.
- (f) Based on the information available at the time the application is submitted, the anticipated owner(s) and operator(s) of all water facilities throughout all phases of development identified.
- (g) Certification that lots proposed to be served by on-property water wells are adequately designed to enable the positioning, construction, and operation of related water wells in a manner that satisfied all state and local regulations at the time of final plat approval.
- (h) Certification that sufficient groundwater rights are owned or controlled to support any necessary requests to authorize the drilling and operation of on-property water wells proposed within the subdivision by state and local authorities based on the state and local regulations in effective at the time of final plat approval.
- (i) New or existing TCEQ public water systems shall also require a letter from the utility provider certifying that they have the authority to provide water service, that there will be sufficient capacity to serve all phases of the proposed development, that all necessary permits have been granted, and that all required agreements have been executed.

(3) Wastewater Availability

Developments serviced by OSSF shall provide a separate application with the Public Health Department prior to or at the same time as the final plat. The County's OSSF Operating Permit requirements shall be met.

The following items shall be addressed in wastewater availability demonstrations:

- (a) Identification of the proposed method of wastewater effluent disposal or re-use and a listing of any TCEQ permits that shall be needed to implement the proposed wastewater disposal or re-use.
- (b) If wastewater service is to be provided by a municipal utility district or other special purpose district that has not been created as of the filing of the preliminary plat, a detailed description of the proposed district boundaries, a timetable for creation of the district, and identification of the proposed organization of the district.

- (c) Prior to the final approval of the development, the applicant shall supply a letter from the utility provider certifying that they have the authority to provide wastewater service, that there shall be sufficient capacity to serve all phases of the proposed development, and that all required agreements have been executed.



## **Section V      Roadway Standards**

### **(A) Roadway Classifications**

Roadways shall be classified based on the latest Master Thoroughfare Plan established by the Victoria Metropolitan Organization (Victoria MPO).

### **(B) Dedication to Public**

Roadway dedication shall not necessarily be effective when the record document is recorded.

Initially, all roadways shall be deemed private and the responsibility of the property owners. County acceptance of maintenance is not guaranteed, nor implied. Roadways shall be subject to individual consideration for public maintenance under separate Order of the Commissioners Court, if the County deems a sufficient public purpose exists.

Regardless of if the roadway is intended to maintain private ownership or pursue County acceptance of maintenance under separate Order, clear notes shall be provided on plans, deeds, and the subdivision entrance noting that the roads are not the responsibility of Victoria County unless accepted for such maintenance by separate Order.

No private lot may extend into a dedicated public roadway.

### **(C) Public Roadways**

#### **(1) Design Report**

A Roadway Design Report, prepared by a Professional Engineer, shall be provided for public roadways. The Roadway Design Report shall discuss and provide supporting calculations and documentation to address County requirements related to roadway classifications, street standards, geotechnical findings, quality assurance tests to be conducted, and road construction standards and specifications.

#### **(2) Building Setbacks and Minimum Right-of-Way**

Public roadways shall comply with the established minimum right-of-way widths and building setback lines based on the roadway classification. Above-grade construction, including items such as fences and buildings, shall be prohibited within the established building setback lines. The minimum right-of-way widths are presented in Table 2.

If a tree with a diameter of 10 inches or greater is located in the right-of-way, the tree may be preserved, as long as the developer provides reflectors affixed to the tree and an additional easement of appropriate width.

#### **(3) Driveway Spacing**

Driveway spacing shall be provided in accordance with these regulations.

##### **(a) Residential Land Use**

- (i)** A residential land use shall be permitted a maximum of two driveways per lot for each street on which they front, with a minimum of 40 feet of spacing between the edges of the proposed driveways.

- (ii) Residential lots accessing arterial streets shall provide a turn-around area unless it is determined by the Commissioner that such a turnaround is physically impractical. Vehicles shall not back onto an arterial.
- (b) Commercial and Multi-Family Land Use
  - (i) A commercial or multifamily land use shall be permitted a maximum of two driveways on each street on which a land use has between 200 and 500 feet of frontage.
  - (ii) For a street on which a land use has more than 500 feet of frontage, the land use may have no more than the number of driveways determined by rounding to the nearest whole number the result of dividing the lot's total frontage of said street by 250.
  - (iii) A one-way exit lane from a drive-through service lane shall not be considered a driveway for purposes of determining the number of driveways pursuant to this subsection if the driveway contains features determined by the Commissioner to effectively prevent ingress into the driveway from the street and prevent use of the driveway by persons not solely using the drive-through service lane.

(4) Shared Access and Joint-Use Driveways

Joint-use driveways may be utilized in situations that limit the number of driveway access permits, or where safety concerns provide a satisfactory explanation for its use.

Up to one lot without independent access to a public roadway may obtain access to a public roadway by means of a shared access driveway if approved by the Commissioner. An additional two lots having independent access to a public roadway may also share the use of the shared access driveway.

Shared access driveways are intended to provide flexibility in the development process, preserve the rural character of the land and avoid excessive infrastructure costs when such costs would provide little or no social benefit. Shared access driveways are not intended to serve as a substitute for interior roads.

(5) Street Standards

Public roadways shall conform to the street standards provided in Table 2.

**Table 2 – Street Standards**

Element	Primary Arterial	Secondary Arterial	Collector	Local
Design Speed	45 MPH	35 MPH	30 MPH	30 MPH
Minimum Centerline	1,200 ft	700 ft	90 ft	66 ft
Desirable Minimum Grade	0.3%	0.3%	0.3%	0.3%
Stopping Sight Distance	400 ft	250 ft	200 ft	200 ft
Number of Traffic Lanes	6	4	2	2
Street Width (excluding shoulders)	94 ft	64 ft	48 ft	20 ft
Right-of-Way Width	100 ft	90 ft	75 ft	60 ft

(6) 911 Addressing Coordination

All proposed public roadways, shared access easements, or shared access driveways shall establish 911 addressing with the Golden Crescent Regional Planning Commission.

(7) Quality Assurance Tests

The applicant shall submit documentation of all required inspections and tests at the completion of each phase of construction of the roadway. Construction quality assurance testing shall comply with the following:

- (a) Tests on all components of the pavement system, including plasticity index, tests for compacted density, depth of base, distribution of asphalt, and other quality assurance tests required by the County's adopted roadway construction specifications.
- (b) It is the responsibility of the applicant to coordinate all inspections and laboratory tests with the Commissioner and not to proceed with construction until proper inspections and tests have been obtained.
- (c) Any laboratory tests and test holes shall be at the expense of the applicant.
- (d) No subsequent component shall be placed on the roadway until the underlying components have been approved in writing by the Commissioner.

(D) Road Construction Standards and Specifications

All roads and streets shall be constructed utilizing the Texas Department of Transportation (TxDOT) Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges (Latest Addition) and according to the following specifications:

(1) General Requirement

- (a) All roads and streets shall be constructed with a minimum width of 24 feet, including shoulders. This width shall include a drivable two-course surface with flex base not less than 20 feet in width. A shoulder of flex base with one-course surface shall be provided on either side of the two-course surface and shall not be less than two feet in width on either side.

(2) Cul-De-Sacs

- (a) Cul-de-sacs shall be designed with an additional concrete shoulder around the perimeter of the cul-de-sac. This protective ring shall be of width not less than two feet and thickness not less than six inches. Cul-de-sac designs shall also follow the TxDOT Standard Specifications.

(3) Class A

- (a) Flexible base shall meet the requirements of the TxDOT Specification Item 247, Types A, B, C, or D. The flexible base shall be not less than eight inches in depth after compaction and not less than 24 feet in width.

- (b) The Class A flexible base shall be watered and compacted in accordance with TxDOT Specification Item 247 and shall conform to the minimum specifications in Table 3.

**Table 3 – Class A Material Requirements**

Property	Requirement
<b>Master gradation sieve size</b>	<b>% Retained</b>
2 inch	0
1 – ¾ inch	0 – 10
No. 4	45 – 75
No. 40	60 – 85
Liquid Limit, % Max	40
Plasticity Index, Max	12
Wet Ball Mill, % Max	45

- (c) The Class A compacted flexible base shall be surfaced with one coat of MC 30 oil not less than 24 feet in width. A two-course surface treatment meeting the requirements of TxDOT Item 316 shall be applied on not less than a 20-foot width of the surface. The type of asphalt grade of aggregate shall conform to Table 4.

**Table 4 – Class A Asphalt Grade and Aggregate**

	Asphalt	Aggregate
First Course Asphalt	AC-15P or CRS-2P	Grade 3
Second Course Asphalt	AC-15P or CRS-2P	Grade 4

As a general rule, CRS-2P shall be applied instead of AC-15P when the surface treatment is placed between November 1 and April 1. The two-course surface treatment shall be thoroughly rolled with approved rollers meeting the requirements of TxDOT Item 316.

- (d) In the event the developer chooses to construct a rigid pavement (concrete), the section shall be the same width specified above and shall conform to the City of Victoria Design Guidelines.
- (e) In addition, a pavement design certified by a licensed professional engineer may be submitted by the developer through a variance request. The geotechnical report supporting this design shall be attached to the pavement certification.
- (4) Class A-1 Industrial Park Roads
- (a) Flexible base shall meet the requirements of the TxDOT Specification Item 247, Types A, B, C, or D. The flexible base shall not be less than 14 inches in depth after compaction and base material shall not be less than 24 feet in width.
- (b) The Class A-1 flexible base shall be watered and compacted in accordance with TxDOT Specification Item 247 and shall conform to the minimum specifications in Table 5.

**Table 5 – Class A-1 Material Requirements**

Property	Requirement
<b>Master gradation sieve size</b>	<b>% Retained</b>
2 inch	0
1 – ¾ inch	0 – 10
No. 4	45 – 75
No. 40	60 – 85
Liquid Limit, % Max	40
Plasticity Index, Max	12
Wet Ball Mill, % Max	45

- (c) The Class A-1 compacted flexible base shall be surfaced with one coat of MC 30 oil not less than 24 feet in width. A two-course surface treatment meeting the requirements of TxDOT Item 316 shall be applied on not less than a 20-foot width of the surface. The type of asphalt grade of aggregate shall conform to Table 6.

**Table 6 – Class A-1 Asphalt Grade and Aggregate**

	Asphalt	Aggregate
First Course Asphalt	AC-15P or CRS-2P	Grade 3
Second Course Asphalt	AC-15P or CRS-2P	Grade 4

As a general rule, CRS-2P shall be applied instead of AC-15P when the surface treatment is placed between November 1 and April 1. The two-course surface treatment shall be thoroughly rolled with approved rollers meeting the requirements of TxDOT Item 316.

- (d) An alternative of six inches of lime-treated sub-base and 12 inches of lime-treated base may be utilized.
- (e) In the event the developer chooses to construct a rigid pavement (concrete), the section shall be the same width specified above and shall conform to the City of Victoria Design Guidelines.
- (f) In addition, a pavement design certified by a licensed professional engineer may be submitted by the developer through a variance request. The geotechnical report supporting this design shall be attached to the pavement certification.

## **Section VI Stormwater Standards**

### **(A) Public Infrastructure**

Public stormwater infrastructure shall be contained within a dedicated public easement or right-of-way. Areas within a floodplain shall be contained within a dedicated public easement or right-of-way. Areas occupied by an existing watercourse may also be dedicated to the public.

The applicant shall identify all stormwater management infrastructure for which County acceptance of maintenance shall be requested. Maintenance shall not be accepted by the County unless under separate Order of Commissioners Court.

The County shall not accept management of stormwater detention or retention facilities, or any other such facility utilized to control runoff rate or stormwater quality within the development.

Construction of public stormwater infrastructure shall not commence until the Development Authorization has been issued by the County.

### **(B) Design Criteria**

All stormwater infrastructure shall be designed and/or evaluated by a Professional Engineer. Documentation evidencing compliance with the Manual shall be submitted with the construction plans.

#### **(1) Methodologies**

Drainage, flood control, and stormwater management design methodologies shall be based on one of the following methods:

- (a) TxDOT approved methods
- (b) City of Victoria approved methods
- (c) Rational Method
- (d) Natural Resources Conservation Service (NRCS) Unit Hydrograph method

#### **(2) Upstream / Offsite Conditions**

All design and/or evaluation computations for floodplains and stormwater management infrastructure shall be based on fully-developed upstream conditions. For upstream areas that extend off of the subject property and are currently undeveloped, the fully-developed land use may be estimated based on information available from the County or based on regional planning efforts.

#### **(3) Controlled Runoff Rate and Volume**

Stormwater runoff from any proposed development that is discharged from the subject property onto adjacent property owners, into any other County stormwater management infrastructure, or any such stormwater infrastructure associated with an existing roadway shall be released at a controlled rate. For the 100-year storm event, post-project stormwater flows may not exceed pre-project stormwater flows.

This requirement may be waived if the applicant provides an analysis demonstrating that there is capacity for the increased flows in public infrastructure. However, the increased runoff may not pass through other properties as it reaches public infrastructure. Increased and/or concentrated flows shall not impact other property owners.

(4) Sizing Stormwater Management Infrastructure

Stormwater infrastructure, including ditches, drainage pipes, roadway curbs, gutter inlets, driveway or roadway culverts, and storm sewers shall be designed to intercept and transport stormwater runoff to public stormwater infrastructure or a defined watercourse.

Stormwater infrastructure shall be sized to contain the hydraulic grade line of the 5-year storm event below the top of ground for a pipe or top of bank for a channel..

Stormwater infrastructure shall be designed to convey all channelized or concentrated flows from a 100-year frequency storm within defined rights-of-way or easements.

Velocities in channels shall be less than 6 feet per second. If velocities exceed 6 fps, erosion control measures shall be provided.

(5) Public Safety

The maximum depth of water over a roadway for the 100-year storm event shall be limited to one foot, to allow for passage of emergency vehicles.

Lots shall be graded such that the finished floor elevation of the habitable portions of the house are a minimum of 30" above the gutter for curb and gutter streets, 24" above the center line of the street for open road sections, 24" above the FEMA base flood elevation for slab on grade, or 24" above the base flood elevation to the lowest horizontal girder or floor joist for pier and beam and lowest horizontal structural member of a manufactured home chassis; whichever is greatest. Any exceptions shall require a variance. Complete data and calculations justifying the exception shall be submitted by a Professional Engineer.

Lot grading shall not block drainage from adjacent properties.

Stormwater runoff in the County shall be graded to drain and include an outfall, to prevent nuisance ponding.

(6) Construction Standards

Culverts, including driveway culverts, shall be a minimum of 18 inches in diameter.

Stormwater infrastructure crossing public roadways shall be concrete.

(7) Identification of Special Flood Hazard Areas

Regulatory floodplains, identified as Special Flood Hazard Areas (SFHA), and regulatory floodways shall be defined based on available mapping.

Development within an SFHA shall conform to the requirements in the Victoria County Flood Damage Prevention Order. A copy of the Order is provided in Appendix B for reference. However, the most recent adopted version shall control.

## **Section VII Construction and Acceptance of Maintenance for Public Infrastructure**

### **(A) Public Infrastructure**

The following items shall be considered public infrastructure:

- (1) Public roadways
- (2) Public stormwater infrastructure, such as drainage ditches and channels

The following items shall not be considered public infrastructure:

- (1) Franchise utilities
- (2) Utilities owned and operated by other entities
- (3) Detention ponds, retention ponds, and water quality features
- (4) Sidewalks
- (5) Private wells and OSSF systems

### **(B) Prior to Construction**

Construction of public infrastructure shall not commence until a Development Authorization has been issued by the Commissioner. Two business days prior to commencing construction, the applicant shall notify the precinct commissioner(s), for the precinct(s) in which the property is located, that construction is scheduled to begin.

### **(C) Erosion and Sedimentation Controls**

An erosion and sedimentation (E&S) control plan shall be included in the construction plan set. All E&S controls shall be placed before any work begins and shall not be removed until vegetation is established and the construction area is stabilized. The Commissioner shall have the authority to stop work at any time for failure to maintain sufficient E&S controls.

- (1) Erosion Controls

The controls in Table 7 may be utilized to retain soil in place:



**Table 7 – Erosion Controls**

<b>Control</b>	<b>Purpose</b>
<b>Check Dam</b>	Slow flow to prevent erosion of swales and ditches
<b>Diversion Dike / Interceptor Swale</b>	Route flows around slopes and disturbed areas
<b>Erosion Control Blankets</b>	Protect disturbed soil and slopes from erosion using a degradable, rolled erosion control product
<b>Mulching</b>	Protect disturbed soil with a layer of straw, wood chips, compost, or other organic material
<b>Pipe Slope Drain</b>	Route overland flow on a slope into a pipe to protect the slope
<b>Soil Surface Treatments</b>	Protect disturbed soil from wind erosion (dust control)
<b>Turf Reinforcement Mats</b>	Protect disturbed soil on steep slopes and in channels from erosion using a non-degradable, rolled erosion control product
<b>Vegetation</b>	Prevent erosion by providing a natural cover through hydro-mulching, seeding, or sod placement

(2) Sediment Controls

The controls in Table 8 may be utilized to capture sediment prior to leaving construction sites:

**Table 8 – Sediment Controls**

<b>Control</b>	<b>Purpose</b>
<b>Active Treatment System</b>	Remove pollutants and suspended soil, including fine clay particles, through filtration and/or chemical-aided flocculation
<b>Depressed Grade Sediment Trap</b>	Detain and settle suspended soil from small areas within ROW
<b>Dewatering Controls</b>	Remove suspended soil from water that is pumped out of low points onsite
<b>Inlet Protection</b>	Intercept sediment at curb and area inlets as a secondary defense in sequence with other controls
<b>Organic Filter Berm</b>	Slow and filter runoff to retain sediment
<b>Organic Filter Tubes</b>	Slow and filter runoff to retain sediment
<b>Passive Treatment System</b>	Improve performance of other controls by adding flocculation agents to stormwater
<b>Pipe Inlet Protection</b>	Detain stormwater for sedimentation and filtration before it enters a closed conveyance system
<b>Sediment Basin</b>	Detain stormwater in a pond with a controlled outflow to allow for sedimentation
<b>Silt Fence</b>	Slow and filter runoff to retain sediment
<b>Stabilized Construction Exit</b>	Reduce offsite sediment tracking from trucks and construction equipment
<b>Stone Outlet Sediment Trap</b>	Intercept and filter small, concentrated flows in swales and other defined waterways
<b>Triangular Sediment Filter Dike</b>	Slow and filter runoff to retain sediment
<b>Turbidity Barrier</b>	Detain and settle suspended soil where work is occurring in or adjacent to a water body
<b>Vegetated Filter Strips and Buffers</b>	Slow sheet flow from small areas to allow for sedimentation
<b>Wheel Cleaning Systems</b>	Reduce offsite sediment tracking from trucks and construction equipment

(D) Construction Phasing

Utilities shall be placed in the right-of-way, rather than under the roadway. If conditions exist which make it impractical to place utilities in the right-of-way, utilities shall be installed prior to roadway construction.

No lot construction shall commence until the plat has been approved by the Commissioners Court.

(E) Acceptance

Public infrastructure shall not be accepted by the County except under separate Order of the Commissioners Court, and until:

- (1) A Professional Engineer has submitted a written, formal request to the County to formally accept the maintenance, including certification that the public infrastructure adheres to this Manual.
- (2) A Professional Engineer has provided lab test results and as-built construction plans.
- (3) The owner and County have conducted a joint on-site inspection of the public infrastructure. If an easement by separate instrument has been obtained from an offsite property, the offsite property owner shall attend the inspection or provide a letter declining the site visit and acknowledging that easement agreements between the property owners have been resolved.
- (4) Permanent vegetation has been established or financial assurance provided to permanently stabilize remaining areas disturbed during construction.

(F) Property Owner's Association

A Property Owner's Association shall be required when landscaping, irrigation, sidewalks, lighting, detention ponds, or water quality features are proposed within the right-of-way or common area.

A maintenance agreement shall be required to ensure maintenance of these features is performed.

(G) Financial Assurance

All financial assurance used to satisfy these regulations shall name Victoria County as the beneficiary and recipient of all rights and privileges thereto.

(1) Acceptable Mechanisms

Financial assurance shall be provided using a mechanism acceptable to the County. Victoria County shall develop, maintain, and make available to the public standard forms for this purpose. While other mechanisms may be approved for use, the following mechanisms shall be recognized for the purposes of these regulations:

- (a) A fully funded Trust Agreement, with an entity acceptable to the County serving as Trustee;
- (b) A bond issued by a surety acceptable to the County and listed as an acceptable surety on Federal bonds in Circular 570 of the United States Department of the Treasury; or,
- (c) An irrevocable standby letter of credit, issued by a surety acceptable to the County.

(2) Performance Assurance

In general, the County shall not accept public infrastructure prior to construction. In the rare circumstance where the County would accept infrastructure or allow for lot development prior to the completion of infrastructure construction, a performance assurance shall be provided by the owner. The performance assurance shall be provided in an amount equal to 110% of the estimated construction cost of the public infrastructure.

Following the completion of the public infrastructure construction and submission of as-built construction plans to the Commissioner, the applicant may submit a written request to release the performance assurance.

(3) Maintenance Assurance

Maintenance assurance shall be provided in an amount equal to 10% of the total construction costs of the public infrastructure and related improvements. The maintenance assurance shall have a minimum term of two years following acceptance by the County.

(4) County Claims Against Financial Assurance

The County may make claims against financial assurance if it finds that the actions for which financial assurance was provided have not been completed satisfactorily. Prior to making a claim against a financial assurance mechanism, the County shall provide written notice to the Trustee or Surety of such claim, with a copy to the applicant, and shall allow a minimum period of 14 calendar days to remedy such claim. Claims which have not been remedied within 14 calendar days may be immediately due and payable under the terms of the applicable financial assurance mechanism.

In the event that a financial assurance mechanism submitted to the County expires prior to the acceptance by the County of the work assured by the financial assurance mechanism, the applicant shall submit a replacement financial assurance mechanism prior to its expiration.

## **Section VIII     Manufactured Home Communities**

### **(A) Definition**

A manufactured home is 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 the required utilities. The term "manufactured home" does not include a "recreational vehicle."

### **(B) Legal Authority**

The County has the legal authority to adopt minimum infrastructure standards for manufactured home communities including:

- (1) Adequate drainage
- (2) Adequate water supply
- (3) Access to sanitary sewer lines or on-site sewage facilities
- (4) Preparation of a survey
- (5) Streets or roads

### **(C) Utility Service**

A utility may not provide utility services including water, sewer, gas, and electric services to a manufactured home rental community until the owner provides a certificate of compliance issued by the Commissioner.

### **(D) Application Procedures**

A Manufactured Home Rental Community Permit shall be required at the time construction plans are submitted.

The applicant shall contact the Commissioner(s) in whose precinct the proposed manufactured home rental community is located prior to the submission of the application.

Construction shall not begin before a Development Authorization has been issued by the Commissioner.

### **(E) Minimum Standards**

#### **(1) Internal Roadways and Stormwater Infrastructure**

Internal roadways and stormwater infrastructure shall be designed and constructed to the minimum design standards of roadways and drainage infrastructure for subdivisions.

#### **(2) On-Site Sewage Facilities**

All developments to be served by On-Site Sewage Facilities shall comply with the TCEQ regulations and the Victoria County On-Site Sewage Facilities rules.

(3) Requirements Prior to Occupancy

The Commissioner shall inspect all roadways and associated stormwater infrastructure for compliance with the minimum standards. Tenants shall not occupy rental spaces until all construction requirements of the infrastructure plan have been completed by the developer and approved by Victoria County.

## **Section IX Use of County Facilities**

A Development Authorization shall be required for any activities or improvements associated with any of designated County properties or facilities, including roadway 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 a Development Authorization.

### **(A) County Property and Facilities Regulated**

These regulations govern all real property owned or operated by the County or held in trust for the public, including but not limited to:

- (1) Real property owned by the County or any subdivision of the County;
- (2) Public roadways, rights-of-way, or easements of all kinds and types; and
- (3) Facilities and structures that occupy real property and are owned or operated by the County.

### **(B) Exceptions**

The regulations shall not be construed to require the County or any of its employees, agents, or contractors to obtain a permit to conduct authorized activities in the normal course of conducting County business.

The regulations shall not be construed to preclude activities authorized under state or federal law by other governmental entities with jurisdiction in Victoria County, including entities with eminent domain.

### **(C) Types of Approvals**

#### **(1) Minor Project Approvals**

The following activities shall require notification to the Commissioner prior to construction:

- (a) Installation of mailboxes and/or address signs along a public roadway, following United States Postal Service coordination;
- (b) Installation of individual or multiple driveways in public roadways;
- (c) Installation of individual mailboxes, signs, communication antennas, or other related items located on County property that is not within a roadway and associated drainage area;
- (d) Installation of donated public amenities in a dedicated park;
- (e) Installation of memorials, monuments, or other related items located on County property that are not within a public roadway; and
- (f) Installation of utility lines on, in, above, or under public roadways.

(2) Driveway Culverts

- (a) Driveway culvert installation shall require minor project approval if the culverts are constructed to allow access to previously platted lots or to a single commercial or institutional activity on its own tract, if not a previously platted lot.
- (b) Driveway culverts and associated appurtenances, such as safety end treatments, shall be designed such that all infrastructure is located within public rights-of-way and does not encroach on private property or overlap adjacent property boundaries without appropriate easements.
- (c) Driveway culvert installation shall comply with standards within the Manual.
- (d) The County shall install all driveway culverts within the County right-of-way.
- (e) The property owner shall be responsible for the cost of the culvert infrastructure materials and the County shall provide the labor for installation.
- (f) A property owner may submit a written request to the Commissioner to install their driveway culvert, in lieu of the County performing the installation. Installation of the driveway culvert shall not begin until formal approval by the Commissioner has been provided.

(D) Prior Approval

Approval by the Commissioner shall be required prior to:

- (1) Conducting any construction or land disturbance on, in, above, or under County property;
- (2) Placing any temporary structures or facilities on, in, above, or under County property;
- (3) Placing any permanent structures or facilities on, in, above, or under County property

Approval shall not be required to use County property for activities conducted by authorized law enforcement, public safety, and emergency services agencies and officers operating within the scope of their duties during an emergency situation.

**Section X Extraterritorial Jurisdiction and Interlocal Agreement**

Development within the Extraterritorial Jurisdiction (ETJ) of the City of Victoria shall comply with the most recent Interlocal Agreement Between City of Victoria and Victoria County for Regulation of Subdivisions in the City of Victoria’s Extraterritorial Jurisdiction.

A copy of the Interlocal Agreement is provided in Appendix C for reference. However, the most recent adopted version shall control.

Should the interlocal agreement call for joint review to the City and County, the application shall be made to the City. The City, not the County, shall collect the associated review fees.

Financial assurance shall not be required from the County if the City letter of credit policy appears sufficient.



**Appendix A**  
**Schedule of Fees**

<b>Item</b>	<b>Cost</b>
<b>Preliminary Plat Review</b>	\$240.00
<b>Final Plat Review</b>	\$195.00
<b>Plat Extension*</b>	\$30.00
<b>Plat Vacation</b>	\$50.00
<b>Variance Request</b>	\$175.00
<b>Construction Plan Review</b>	\$220.00

\*No fee for preliminary plat extension with no modifications

**Appendix B**  
**Victoria County Flood Damage Prevention Order**

Revised 1/4/98



# Federal Emergency Management Agency

Region VI  
Federal Regional Center  
800 North Loop 288  
Denton, TX 76201-3698

CC

December 29, 1998

The Honorable Helen R. Walker  
County Judge, Victoria County  
County Courthouse  
115 N. Bridge, Room 127  
Victoria, Texas 77901

Dear Judge Walker:

We have examined your floodplain management Court Order No. 545-2251, and find that it satisfactorily meets the requirements of 44 CFR, Chapter I, Part 60.3(d) of the National Flood Insurance Program (NFIP) regulations. Your community's continued participation is assured by our acceptance of this ordinance.

The effective administration and enforcement of your adopted floodplain management regulations will enable your community to substantially reduce future flood losses through the wise management of your floodplain. Your enforcement of the ordinance also affects insurance premiums. Base flood elevations enforced by your ordinance and shown on the Flood Insurance Rate Map (FIRM), dated November 20, 1998, have a direct effect on the actuarial rates for insurance. For example, in an A Zone, the rates decrease as the lowest floor elevation of the structure increases above the base flood levels established for your community. The FIRM supersedes all previous maps for the purpose of determining whether individual properties are located within the area having special flood hazards.

You should keep us advised of any problems associated with the administration of these regulations. If we may provide additional assistance, please contact Bart Moore at (940) 898-5363.

Sincerely,

Jim LeGrotte, Director  
Mitigation Division

cc: State Coordinator

J Peggy Smith  
Victoria County Floodplain Administrator

ADOPTION – FIRST AMENDED FLOOD DAMAGE PREVENTION ORDINANCE – FLOOD  
PLAIN:  
(545-2251)

11. December 14, 1998. Judge Walker informed the Court of changes requested by FEMA in connection with the Flood Damage Prevention Ordinance and whereas Dick Cullen has made those changes. Motion by Jerry Nobles and seconded by Chris Rivera, the Commissioners' Court approved and adopted the First Amended Flood Prevention Ordinance with corrected fee schedule. Motion adopted.

All per Ordinance as filed in the minutes of this Court.

FIRST AMENDED  
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 Texas Water Code, Section 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Commissioners' Court of Victoria County, Texas, does ordain as follows:

SECTION B.        FINDINGS OF FACT

(1)    The flood hazard areas of Victoria 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 the 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 the 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)    Insure 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 such uses, be protected against flood damage at the time of initial construction;
- (3)    Control the alteration of natural floodplains, stream channels and natural protective barriers, which are involved in the accommodation of flood waters;

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(4) Control filling, 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.

**ADMINISTRATOR** – means the official appointed by the Commissioners’ Court to carry out the duties and responsibilities contained herein.

**ALLUVIAL FAN FLOODING** – means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport and deposition; and unpredictable flow paths.

**APEX** – means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

**APPEAL** – means a request for a review of the County Administrator’s interpretation of any provision of this Curt Order or a request for a variance.

**AREA OF SHALLOW FLOODING** – means a designated AO, AH or VO zone on a community’s Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three 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 one per cent 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 ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

**BASE FLOOD** – means the flood having a one per cent chance of being equaled or exceeded in any given year.

**BASEMENT** – means any area of the building having its floor subgrade (below ground level) on all sides.

**CRITICAL FEATURE** – means in 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 in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**ELEVATED BUILDING** – means a non-basement building (i) built , in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers) or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X and D “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

In the case of Zones V1-30, VE or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

**EXISTING CONSTRUCTION** – means for the purpose 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 INSURANCE RATE MAP (FIRM)** – means an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY** – is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

**FLOODPLAIN OR FLOOD-PRONE AREA** – means any land 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 applications 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 areas 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 are those constructed in conformance with sound engineering standards.

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

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**FLOODWAY (REGULATORY FLOODWAY)** – means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**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.

**HABITABLE FLOOR** – means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a “habitable floor”.

**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:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individuals listing on the National Register;
- (b) Certified or preliminarily 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 to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (d) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved state program as determined by the Secretary of the Interior; or
  - (2) 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 in 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 floor resistant enclosure, usable solely for parking of 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 the required utilities. The term “manufactured home” does not include a “recreational vehicle”.



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**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.

**MEAN SEA LEVEL** – means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 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.

**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 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** – 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 per cent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** – 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 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 conditions or (2) any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation of a "historic structure".

**VARIANCE** – is a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits

construction or development in a manner otherwise prohibited by this ordinance. (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 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 National Geodetic Vertical Datum (NGVD) of 1929 (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 TO WHICH THIS ORDINANCE APPLIES**

The ordinance shall apply to all areas of special flood hazard within the jurisdiction of Victoria 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 a scientific and engineering report entitled “The Flood Insurance Study for Victoria County, Texas Unincorporated Areas”, dated November 20, 1998, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this Court Order.

**SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT**

A Development Permit shall be required to ensure conformance with the provisions of this ordinance.

**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 body, 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 damage. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood

damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

**SECTION H. ENFORCEMENT: PENALTIES**

a. Any violation of this Court Order is a Class C Misdemeanor. Each day a violation occurs is a separate offense. The Commissioners' Court may file suit for injunctive relief or civil penalties or both for any violation or threatened violation of this Court Order.

**b. CONTEMPT OF COMMISSIONERS' COURT**

V.T.C.A. Local Government Code, Section 81.024, provides that Commissioners' Court may punish contempt by fine not to exceed Twenty-five (\$25.00) Dollars or by imprisonment not to exceed twenty-four (24) hours, and in case of fines the party may be held in custody until fine is paid. Any person securing approval of Commissioners' Court to file a subdivision plat in Victoria County, covered by these regulations does so on the presentation to Commissioners' Court that he will develop the subdivision in conformity with requirements of these and other County regulations. Violations of such representations to Commissioners' Court constitutes contempt of Commissioners' Court. Any person securing a building permit under these regulations must file a Certificate, certifying to Commissioners' Court that the terms, provisions and conditions of the building permit will be complied with. Violation of Commissioners' Court has power to enforce its Orders by civil contempt.

**c. RIGHT OF ENTRY**

The Floodplain Administrator, or his duly authorized representative, may enter any building, structure or premises to perform any duties imposed upon him by this Court Order. The Floodplain Administrator has the right to obtain a search warrant if denied admission.

**d. STOP WORK ORDERS**

Upon notice from the Floodplain Administrator that work on any building, structure, dike, bridge or any improvement which would affect water drainage, is being done contrary to the provisions of this Court Order, or in a dangerous or unsafe manner, such work shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, no written notice shall be required to be given by the Floodplain Administrator, provided written notice shall follow within twenty-four (24) hours from the time oral notice to stop work is issued.

**e. REVOCAION OF PERMIT**

The Floodplain Administrator may revoke a permit or approval issued under the provisions of this Court Order, in cases where there has been any false statements or misrepresentation as to a material fact in the application or plans upon which the permit or approval was based.

Nothing herein contained shall prevent the governing body of Victoria County from taking such other lawful action as may be available and necessary to prevent or remedy any violation of this ordinance.

**SECTION I. FORMS**

Commissioners' Court has established forms as necessary for the implementation of this Court Order. (See Appendix A-G)

**ARTICLE 4**

**ADMINISTRATION**

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

The office of Floodplain Administrator shall administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

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SECTION B. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

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

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- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
- (2) Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3) Review, approve or deny all applications 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 Agency which is Texas Natural Resource Conservation Commission, 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 evaluation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.
- (9) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30) and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (10) Under the provisions of 44 CFR Chapter 1, Section 65.12 of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA.

SECTION C. PERMIT PROCEDURES

- (1) Application for a 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 the placement 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;
  - b. Elevation in relation to mean sea level to which any nonresidential structure shall be flood-proofed;
  - c. A certificate from a 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 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 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 flood waters 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;
  - j. The relationship of the proposed use to the comprehensive plan for that area.

**SECTION D. VARIANCE PROCEDURES**

- (1) The Appeal Board as established by the community shall hear and render judgment on requests for variances from the requirements of this ordinance.
- (2) The Appeal Board shall hear and render judgment 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 one-half 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 one-half 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 a 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 whom 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 a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Article 4, Section D(1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

## ARTICLE 5

### PROVISIONS FOR FLOOD HAZARD REDUCTION

#### SECTION A. GENERAL STANDARDS

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements.

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) 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 so as to prevent water from entering or accumulating within the components during conditions of flooding;

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

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**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), or (iii) Article 5, Section C(3), the following provisions are required:

(1) **Residential Construction** - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C(1)a., is satisfied.

(2) **Nonresidential Construction** - new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be 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 registered professional engineer or architect shall develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. 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.

(3) **Enclosures** - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of 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 floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) **Manufactured Homes**

a. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of 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.

b. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH and AE on the community's FIRM on sites (i) outside of 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 floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

c. Require that manufactured homes be placed on 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 floor of the manufactured home is at or above the base flood elevation; or
- (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

(5) **Recreational Vehicles** – require that recreational vehicles placed on sites within Zones A1-30, AH and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of Article 4, Section C(1) and the elevation and anchoring requirements for "manufactured homes" in Paragraph (4) 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.

**SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS**

(1) All subdivision 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 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.



(6) All subdivision proposals must have the following note placed on the plat: "Before any development (including fill, channel modifications, etc.) proceeds on land in this subdivision, a development permit application must be filed at Victoria County Floodplain Management Office."

(7) When any part of a proposed subdivision lies within the 100-year floodplain, both the 100-year floodplain and the floodway boundaries must be clearly shown on the plat.

(8) When any part of a subdivision lies within the 100-year floodplain, a permanent bench mark tied to a designated National Geodetic Elevation Marker shall be established within the subdivision at an accessible location. The bench mark and tie shall be located and referenced with all pertinent information on the plat along with a Registered Surveyors Seal.

(9) When any part of a subdivision lies within the 100-year floodplain, the following note must be placed on the plat:

"The developer, builder, seller or agent shall inform in writing each prospective buyer of the subdivision lots or property located within flood hazard areas that such property is in an identified flood hazard area and that all development must conform to Victoria County Floodplain Management Regulations. The written notice must be filed for record in Deed of Records and a copy of the notice must accompany the application for Development Permit."

**SECTION D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)**

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

(1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

(2) All new construction and substantial improvements of non-residential structures:

- (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified),
- (ii) together with attendant utility and sanitary facilities be 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 of effects of buoyancy.

(3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C(1)a., are satisfied.

(4) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

**SECTION E. FLOODWAYS**

**Floodways** – located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

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(1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

(2) If Article 5, Section E(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.

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CERTIFICATION

It is hereby found and declared by Victoria County that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately.

Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

APPROVED:

*Helen R. Walker*  
(Community Official) HELEN R. WALKER,  
COUNTY JUDGE

PASSED: DECEMBER 14, 1998  
(Date)

I, the undersigned, VAL D. HUVAR, do hereby certify that the above is a true and correct copy of an ordinance duly adopted by the COMMISSIONERS' COURT at a regular meeting duly convened on DECEMBER 15, 1998.



*Val D. Huvar*  
(Secretary or responsible person)  
VAL D. HUVAR, COUNTY CLERK AND EX-OFFICIO  
CLERK OF THE COMMISSIONERS' COURT IN AND  
FOR VICTORIA COUNTY, TEXAS

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FEE SCHEDULE

Section I: The following schedule of fees for the issuance of building permits is hereby adopted:

- (a) Issuance of floodplain development permits for building or enlarging a structure; placing a manufactured home; or mining, dredging, filling, grading, paving, excavating, drilling or storage of materials within special flood hazard areas:

Permit Fee \$25.00

- (b) Issuance of floodplain development permits for moving or replacing existing structures or manufactured homes inside special flood hazard areas:

Permit Fee \$25.00

- (c) Issuance of floodplain development exemption certificates for placement of structures or manufactured homes which have been determined by the Floodplain administrator to be outside special flood hazard areas:

Exemption Certificate Fee \$10.00

- (d) Issuance of floodplain development exemption certificates for replacing existing structures or mobile homes which have been determined by the floodplain administrator to be outside special flood hazard areas:

Exemption Certificate Fee NO CHARGE

Section II: The foregoing schedule of fees shall be in effect from and after November 9, 1998, and shall continue in effect until amended by subsequent resolution of the Commissioners' Court.

NOTICE TO DEVELOPMENT PERMIT APPLICANT

STATE OF TEXAS )

COUNTY OF VICTORIA )

APPLICATION NO. \_\_\_\_\_:

NAME OF APPLICANT \_\_\_\_\_

THE ABOVE NAMED APPLICANT APPLIED FOR A DEVELOPMENT PERMIT ON \_\_\_\_\_  
THE APPLICATION HAS BEEN REVIEWED BY THE COUNTY ADMINISTRATOR AND IT IS HIS/HER  
DETERMINATION THAT THE PROPOSED DEVELOPMENT IS LOCATED WITHIN AN IDENTIFIED FLOODPLAIN  
OF VICTORIA COUNTY.

THE COUNTY ADMINISTRATOR HAS REVIEWED PLANS AND SPECIFICATIONS OF THE PROPOSED  
DEVELOPMENT FOR CONFORMANCE WITH THE DEVELOPMENT STANDARDS REQUIRED BY VICTORIA  
COUNTY FLOODPLAIN MANAGEMENT REGULATIONS.

BASED ON THIS REVIEW, THE COUNTY ADMINISTRATOR DEEMS IT APPROPRIATE TO:

- ( ) APPROVE THE APPLICATION FOR DEVELOPMENT
- ( ) REJECT THE APPLICATION FOR DEVELOPMENT

CONDITIONS FOR APPROVAL/REASONS FOR REJECTION ARE AS FOLLOWS:

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WARNING:

The flood hazard boundary maps and other flood data used by the County Administrator in evaluating flood hazards to proposed developments are considered reasonable and accurate for regulatory purposes and are based on the best available scientific and engineering data. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. Construction standards required by County Floodplain Management Regulations are the minimum, standards deemed necessary to minimize or eliminate flood damage, but reliance on these minimum standards shall not create liability on the part of Victoria County, the County Administrator or any other officer or employee of Victoria County in the event flooding or flood damage occurs.

I, the undersigned applicant, do hereby:

- ( ) acknowledge the warning and disclaimer of liability of the County;
  - ( ) agree with the conditions of permit approval;
  - ( ) agree to construct my development in strict compliance with the specified conditions once a permit has been issued;
  - ( ) agree to provide certifications of work as may be required;
- OR
- ( ) disagree with the reasons for rejection of my application and desire to make a formal appeal to the Victoria County commissioners' Court;
  - ( ) disagree with the conditions for approval of a development permit and desire to make a formal appeal to the Victoria County Commissioners' Court.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Administrator

\_\_\_\_\_  
Date

Copy to Commissioners' Court

COUNTY OF VICTORIA, TEXAS

NOTICE TO PURCHASER  
PROPERTY IN FLOOD HAZARD AREA

STATE OF TEXAS )

COUNTY OF VICTORIA )

THE PROPERTY DESCRIBED BELOW HAS BEEN FOUND TO BE SUBJECT TO FLOODING OR LOCATED, ALL OR IN PART, IN A FLOOD HAZARD AREA AS DETERMINED ON OFFICIAL MAPS LOCATED IN THE OFFICE OF THE COUNTY FLOOD PLAIN ADMINISTRATOR. THE DEVELOPER OF THE PROPERTY HAS MADE APPLICATION AND HAS BEEN ISSUED A PERMIT FOR THE SUBDIVISION IN WHICH THIS PROPERTY IS LOCATED. AS ONE CONDITION OF THE PERMIT, THE DEVELOPER HAS SIGNED A STATEMENT CERTIFYING HE WILL PROVIDE THIS WRITTEN NOTICE TO ALL PERSONS PURCHASING PROPERTY LOCATED IN THIS SUBDIVISION WHICH IS LOCATED IN A FLOOD HAZARD AREA.

CONSTRUCTION OF A RESIDENCE, OR OTHER DEVELOPMENT, ON THIS PROPERTY WILL BE DEPENDENT ON QUALIFICATION FOR AND RECEIPT OF A DEVELOPMENT PERMIT TO BE ISSUED BY THE COUNTY FLOOD PLAIN ADMINISTRATOR IN ACCORDANCE WITH THE PROVISIONS OF VICTORIA COUNTY FLOOD PLAIN MANAGEMENT REGULATIONS.

CONDITIONS OF THE SUBDIVISION PERMIT WHICH APPLY TO THIS PROPERTY ARE:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THE LOCATION OF THE PROPERTY IS AS FOLLOWS:

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

Lot No. \_\_\_\_\_ Block No. \_\_\_\_\_ Section No. \_\_\_\_\_

Street Address \_\_\_\_\_

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of Seller)

The undersigned Purchaser hereby acknowledges receipt of the foregoing notice prior to closing of the purchase of the property described above, and acknowledges he has read and understands the condition of the permit as stated above:

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of Purchaser)

\_\_\_\_\_  
(Signature of Purchaser)

STATE OF TEXAS )  
COUNTY OF )

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_

known to me to be the person (s) whose name(s) \_\_\_\_\_ subscribed to the foregoing instrument, and acknowledged to me that \_\_\_\_\_ executed the same for purposes and consideration therein expressed.

Given under my hand and seal of office on this, \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

(Seal)

\_\_\_\_\_  
Notary Public in and for the State of Texas

NOTICE

ISSUANCE OF VARIANCE TO FLOOD PLAIN MANAGEMENT REGULATIONS

STATE OF TEXAS )

COUNTY OF VICTORIA )

PERMIT NO. \_\_\_\_\_:

NAME OF PERMITTEE \_\_\_\_\_

THE ABOVE NAMED PERMITTEE MADE AN APPEAL OF THE COUNTY FLOOD PLAIN ADMINISTRATOR'S CONDITIONS FOR PERMIT APPROVAL AND REQUESTED A VARIANCE FROM THE CONSTRUCTION STANDARDS REQUIRED BY VICTORIA COUNTY FLOOD PLAIN MANAGEMENT REGULATIONS FOR PROPOSED DEVELOPMENT WITHIN AN IDENTIFIED FLOOD HAZARD AREA.

AFTER CAREFUL CONSIDERATION OF THE REASONS FOR REQUEST OF VARIANCE, THE COMMISSIONERS' COURT OF VICTORIA COUNTY HAS DETERMINED THAT IT IS WITHIN THE SCOPE OF VARIANCE PROCEDURES AS OUTLINED IN TOM GREEN COUNTY FLOOD PLAIN MANAGEMENT REGULATIONS TO GRANT THIS REQUEST FOR VARIANCE FROM FLOOD PLAIN CONSTRUCTION STANDARDS.

THE BASE FLOOD ELEVATION AT THE LOCATION OF YOUR PROPOSED DEVELOPMENT HAS BEEN DETERMINED AT \_\_\_\_\_ FEET MEAN SEA LEVEL.

ADDITIONAL VARIANCES FROM DEVELOPMENT STANDARDS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NOTICE: ALL DEVELOPMENT MUST BE IN STRICT CONFORMANCE WITH THE VARIANCES STATED HERE AND OTHER CONDITIONS STATED ON THE DEVELOPMENT PERMIT. ANY VARIATION WILL RESULT IN IMMEDIATE SUSPENSION OF THIS VARIANCE AND THE DEVELOPMENT PERMIT. FLAGRANT VIOLATION OF THE CONDITIONS OF THIS VARIANCE WILL RESULT IN THE COMMISSIONERS' COURT SEEKING INJUNCTIVE RELIEF OR CIVIL PENALTIES.

WARNING: THE GRANTING OF A VARIANCE IS FOR CONSTRUCTION STANDARDS ONLY. IT IS NOT A VARIANCE FROM THE REQUIREMENT TO PURCHASE FLOOD INSURANCE. PREMIUMS FOR FLOOD INSURANCE COVERAGE ON THE STRUCTURE WILL INCREASE AS A RESULT OF CONSTRUCTING THE FIRST FLOOR BELOW THE LEVEL OF THE BASE FLOOD. LOWERING THE FIRST FLOOR BELOW THE BASE FLOOD LEVEL HAS ALSO INCREASED THE RISK OF FLOOD DAMAGE AND POSSIBLE LOSS OF LIFE.

DISCLAIMER OF LIABILITY: THE COMMISSIONERS' COURT OF VICTORIA COUNTY AND ANY OFFICER OR EMPLOYEE OF VICTORIA COUNTY ARE NOT LIABLE FOR DAMAGES OR LOSS OF LIFE RESULTING FROM FLOODING OF THE PROPERTY FOR WHICH A VARIANCE WAS GRANTED.

I, \_\_\_\_\_, do hereby acknowledge that I have read the variance provisions stated above and that I understand them and intend to comply fully with them. I also acknowledge that my flood insurance costs will increase and flood damage potential to my structure will increase. I am fully aware that Victoria County is not liable for damages to my property or structure and that I accept full responsibility for the risks associated with this variance. I also certify that in the event I sell my property or structure in the future, I will give notice of this variance to the purchaser.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date

DEVELOPMENT PERMIT EXEMPTION CERTIFICATE

STATE OF TEXAS )

COUNTY OF VICTORIA )

APPLICATION NO. \_\_\_\_\_

NAME OF APPLICANT \_\_\_\_\_

THIS CERTIFICATE EXEMPTS THE APPLICANT FROM DEVELOPMENT STANDARDS REQUIRED BY VICTORIA COUNTY FLOOD PLAIN MANAGEMENT REGULATIONS. WORK IS HEREBY AUTHORIZED TO PROCEED ON THE FOLLOWING DESCRIBED PROPERTY: \_\_\_\_\_

WARNING:

The flood hazard boundary maps and other flood data used by the County Administrator in evaluating flood hazards to proposed developments are considered reasonable and accurate for regulatory purposes and are based on the best available scientific and engineering data. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This exemption certificate does not imply that developments outside the identified areas of special flood hazard will be free from flooding or flood damage. Issuance of this exemption certificate shall not create liability on the part of Victoria County, the County Administrator or any officer or employee of Victoria County in the event flooding or flood damage does occur.

\_\_\_\_\_  
Acknowledgment of Warning by Applicant

\_\_\_\_\_  
Signature of County Administrator

Date of issuance \_\_\_\_\_



DISCLAIMER CERTIFICATE

STATE OF TEXAS )

COUNTY OF VICTORIA )

APPLICATION NO. \_\_\_\_\_

NAME OF APPLICANT \_\_\_\_\_

PROPERTY DESCRIPTION \_\_\_\_\_

WARNING:

The flood hazard boundary maps and other flood data used by the County Administrator in evaluating flood hazards to proposed developments are considered reasonable and accurate for regulatory purposes and are based on the best available scientific and engineering data. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This certificate does not imply that developments outside, or inside the identified areas of special flood hazard will be free from flooding or flood damage. Issuance of the certificate shall not create liability on the part of Victoria County, the County Administrator or any officer or employee of Victoria County in the event flooding or flood damage does occur.

\_\_\_\_\_  
Acknowledgment of Warning by Applicant

\_\_\_\_\_  
Signature of County Administrator

\_\_\_\_\_  
Date of Issuance

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APPLICATION # \_\_\_\_\_

PERMIT # \_\_\_\_\_

1. OWNER'S NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_

CITY, STATE, ZIP \_\_\_\_\_ PHONE \_\_\_\_\_

2. LOCATION \_\_\_\_\_

3. CONTRACTOR/DEALER \_\_\_\_\_ ADDRESS \_\_\_\_\_

CITY, STATE ZIP \_\_\_\_\_ PHONE \_\_\_\_\_

**NATURE OF PROPOSED CONSTRUCTION**

- Residential
- Non-Residential
- Other
- Alteration—Natural Waterway/Drainage Ditch
- Placement of Fill

**DESCRIPTION OF PROPOSED CONSTRUCTION**

- New Construction
- Substantial Improvement to Existing Structure
- House
- Mobile Home
- Non-Residential \_\_\_\_\_
- Commercial \_\_\_\_\_
- Other \_\_\_\_\_

**SEWAGE SYSTEM**

- Public
- Septic Tank
- Contact Health Dept.

**CULVERT**

Contact Precinct \_\_\_\_\_ Commissioner  
\_\_\_\_\_ @ 575-4558

6. THIS PROPERTY IS LOCATED IN FLOOD ZONE \_\_\_\_\_ 480637 - \_\_\_\_\_

7. IS THIS PROPERTY IN FLOOD HAZARD ZONE?  YES  NO

8. A CERTIFICATE OF ELEVATION IS ATTACHED.  YES  NO  LETTER

9. FIRST FLOOR ELEVATION OF PROPOSED STRUCTURE IS \_\_\_\_\_ FT. ABOVE MSL

10. ESTIMATED TOTAL COST OF THIS PROJECT IS \$ \_\_\_\_\_

PERMIT ISSUED:  EXEMPTION  DISCLAIMER  APPLICATION REJECTED

Signature of Applicant \_\_\_\_\_

County Administrator \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

Approved by \_\_\_\_\_

Permit Fee \_\_\_\_\_

Date Permit Issued \_\_\_\_\_

Cash/Check \_\_\_\_\_

THE STATE OF TEXAS §

COUNTY OF VICTORIA §

I, Val D. Huvar, County Clerk and Ex-Officio Clerk of the Commissioners' Court in and for Victoria County, Texas hereby certify that the above and foregoing is a true and correct copy of Order No. 11 as same was passed by the Commissioners' Court at their Regular Session held on the 14 day of December, A.D., 1998, and as same appears of record in the Commissioners' Court Minutes, Vol. 226, Page 642.

Given under my hand and seal of office this the 1 day of July  
A.D., 19 99.



VAL D. HUVAR  
County Clerk and Ex-Officio  
Clerk of the Commissioners'  
Court in and for Victoria  
County, Texas.

By: *Gina Howard*  
GINA HOWARD Deputy

**Appendix C**

**Interlocal Agreement Between City of Victoria and Victoria County for Regulation of Subdivisions in  
the City of Victoria's Extraterritorial Jurisdiction**

**INTERLOCAL AGREEMENT BETWEEN**  
**CITY OF VICTORIA AND VICTORIA COUNTY FOR REGULATION OF SUBDIVISIONS IN THE CITY OF**  
**VICTORIA'S EXTRATERRITORIAL JURISDICTION**

This agreement is made by and entered into between City of Victoria (hereinafter "City") and Victoria County, (hereinafter "County"), Texas, on the 14<sup>th</sup> day of April, 2002.

WHEREAS, House Bill 1445 was passed by the 77<sup>th</sup> Legislature and became law on September 1, 2001 modifying Texas Local Gov't Code § 242.001 to prohibit, with some exceptions, both a county and municipality from regulating subdivisions in the same part of the extraterritorial jurisdiction (hereinafter "ETJ") of a municipality;

WHEREAS, Texas Local Gov't Code § 242.001(c) now provides in relevant part that a municipality and a county "shall enter into a written agreement that identifies the governmental entity authorized to [regulate subdivision plats] in the extraterritorial jurisdiction;"

WHEREAS, in accordance with Tex. Local Gov't Code § 42.021, the City of Victoria has an ETJ that extends 3.5 miles beyond its municipal boundaries, and the City and County find that it is in the best interests of the citizens of Victoria County for the various governmental entities located in this County to designate the City as the sole entity to regulate the City's ETJ, which will comply with Tex. Local Gov't Code §242.001(c) and eliminate the requirement for developers to comply with potentially inconsistent land design regulations; and

WHEREAS, the City and County have found it advisable to enter into an agreement wherein the County agrees to the governmental functions described below as authorized by Texas Local Government Code Chapters 212 and 242, after authorization by the Victoria County Commissioner's Court as required by the statute, and the City of Victoria, Victoria County, Texas.

THEREFORE, in consideration of the promises, covenants and agreements contained herein, the parties agree as follows:

1. The City and County hereby enter into an agreement as defined in Section 242.001(d)(1), to grant to the City exclusive authority to regulate subdivision plats in the City's ETJ, and the City is further granted the exclusive authority to regulate subdivisions under Subchapter A of Chapter 212 of the Texas Local Government Code in its ETJ. Pursuant to this agreement, the City will accept plat applications for tracts of land located in the City's ETJ.
2. The City shall provide a copy of all proposed subdivision plats in the ETJ to (1) the County Floodplain Administrator, (2) the Director of the Victoria City-County Health Department and (3) the County Commissioner's Court. The City shall also provide prior notice to the County and the aforementioned officials of the interdepartmental plat review meeting for each ETJ plat to permit County officials to attend these meetings. At the interdepartmental plat review meeting for each ETJ plat, the City shall receive the review and comments of any County officials present at the meeting concerning each ETJ plat. In addition, if there is a pre-application ETJ plat review meeting with the developer's engineer of which the City has prior notice, then the City shall send prior notice of said meeting to the County. The City's filing of any final plat in the office of the County Clerk shall constitute the County's acceptance of any City-approved streets depicted on said final plat. The City's filing of a final plat will not constitute the County's acceptance of parks, watercourses, drains, easements, and other public places shown on the plat, but the dedication to public use of said places shall constitute private easements appurtenant to the other properties in said subdivision(s) until such time as the County or the City has accepted the dedication of such parks, watercourses, drains, easements or other public places through express acceptance or maintenance of such improvements and property rights.
3. No City regulation shall bind the County in the performance of any County acts occurring on County-owned property in the City's ETJ.
4. The obligations and undertakings of each of the parties to this agreement shall be applicable in Victoria's 3.5 Mile ETJ.
5. Any notice required or permitted to be given hereunder or under the laws of this state shall be given in writing and may be given by email, personal delivery, the United States Postal Service, or commercial courier service, addressed to the applicable party at the address set forth below. Notice will be effective when received by the party shown below:

**City of Victoria**  
City Manager  
P. O. Box 1758  
Victoria, Texas 77902  
Fax (361) 572-2719

**County of Victoria — County Commissioner's Court**  
County Judge  
101 North Bridge Street, Room 102  
Victoria, Texas 77901  
Fax (361) 573-7585  
vcjudge@viptx.net

Victoria County Floodplain Administrator  
2805 N. Navarro, Suite 210  
Victoria, Texas 77901  
Fax (361) 576-2548  
psmith@victoriacountytx.org

Director of Victoria City/County Health Department  
2805 N. Navarro  
Victoria, Texas 77901  
Fax (361) 578-7046  
bcate@victoriacountytx.org

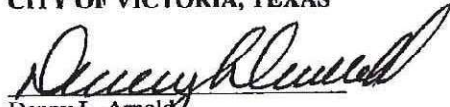
6. This agreement is not intended to create any third party benefits to any person or entity other than the signatories hereto. No person who is not a party to this agreement or is an existing or potential user of any service provided hereunder shall have any right, title or interest in and to this agreement. No person not a party to this agreement may require the performance of any duty provided herein or collect damages for the nonperformance thereof. Neither party to this agreement may assign any right under this agreement to pursue a legal action to enforce any provision hereof.

7. All acts to be performed hereunder are found by both parties to be governmental acts for purposes of the Texas Tort Claims Act. No service to be performed hereunder is intended to be proprietary in nature.

8. This agreement shall be terminated immediately upon receipt of Notice of Termination from the other party.

Executed, this the 10th day of April, 2002.


CITY OF VICTORIA, TEXAS

  
Denny L. Arnold  
City Manager


(seal)



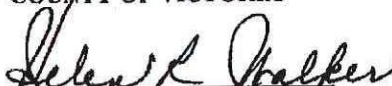
ATTEST:

  
Scarlet Swoboda  
City Secretary

APPROVED AS TO FORM

  
David A. Smith  
City Attorney

COUNTY OF VICTORIA

  
Helen Walker  
County Judge

(seal)

ATTEST:

  
Val Huvar  
County Clerk