

# VICTORIA COUNTY DEVELOPMENT STANDARDS MANUAL



***DRAFT***

September 4, 2018

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On {*date*}, 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 from 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 *{date of the adoption of these regulations}* to be sold in its entirety.

Victoria County shall allow for final plats approved prior to *{date of the adoption of these regulations}* 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 the Commissioner and subsequently filed with the County Clerk.

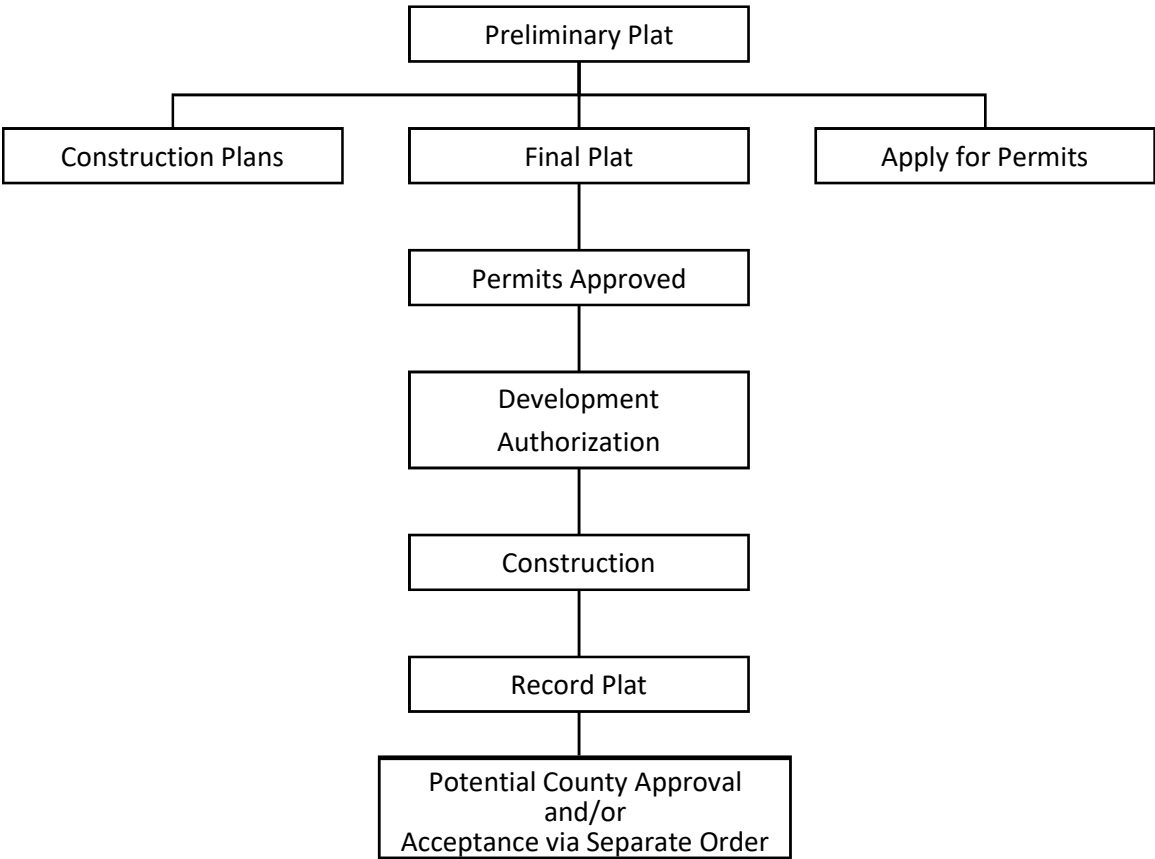
(5) Controlling Regulation

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 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. 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 Permit
- (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. 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 one foot, 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 utility facilities:
  - (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 utility facilities:
  - (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(k)(n) 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 private water wells are adequate. 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 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) Plat File Number, as assigned by the Commissioner 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 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 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 with the area marked "Public."



- (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) 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 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.

##### (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.

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.

(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 of 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.
- (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 the water availability for private water wells.

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.
- (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) New or existing TCEQ public 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, 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.

#### **(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 reflectors are affixed to the tree.

#### **(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 driveway curb radii.

(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%
Minimum Grade	0.2%	0.2%	0.2%	0.2%
Stopping Sight Distance	400 ft	250 ft	200 ft	200 ft
Number of Traffic Lanes	6	4	2	2
Street Width (front to front)	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) 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 20 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 20 feet in width. A two-course surface treatment meeting the requirements of TxDOT Item 316 shall be applied. The type of asphalt grade of aggregate shall conform to Table 4.

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

	<b>Asphalt</b>	<b>Aggregate</b>
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.
- (2) 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 20 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**

<b>Property</b>	<b>Requirement</b>
<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 20 feet in width. A two-course surface treatment meeting the requirements of TxDOT Item 316 shall be applied. The type of asphalt grade of aggregate shall conform to Table 6.

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

	<b>Asphalt</b>	<b>Aggregate</b>
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. In addition, a pavement design certified by a licensed professional engineer may be submitted by the developer. The geotechnical report supporting this design shall be attached to the pavement certification.
- (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.

## **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 ground. The hydraulic grade line of the 100-year storm event shall be contained in the right-of-way.

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, 2' above the base flood elevation for slab on grade, or 2' above the base flood elevation to the lowest 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, provided in Appendix B.

## **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
- (3) Public utilities, including water and wastewater utilities, and
- (4) Public safety and emergency access features

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

### **(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, a performance assurance shall be provided by the owner. The performance assurance shall be provided in an amount equal to 100% 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 approved and completed.

## **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 Permits**

The following activities shall qualify for a minor permit:

- (a) Installation of mailboxes and/or address signs along a public roadway;
- (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 qualify for a minor permit 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.
- (f) A property owner may submit a written request through the minor permitting process 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, provided in Appendix C.

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**

**Appendix C**

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