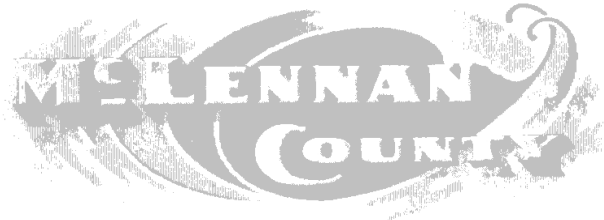


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WACO, TEXAS

MEMORANDUM

TO: Surveyors, Engineers, Realtors, Developers, Builders,
Real Estate Attorneys & Other Interested Parties

DATE: January 24, 2002

REFERENCE: Proposed Subdivision Order
Preliminary Public Review/Comment Period
McLennan County, Texas

Our office is in the process of rewriting McLennan County's adopted subdivision regulations to incorporate a number of statutory requirements and also better clarify and outline our guidelines for new developments within the unincorporated areas of the County (excluding Waco's ETJ). At the present time, we have prepared a draft of this proposed Order and are requesting your assistance with this process. Therefore, please find attached a draft copy of the above referenced order for your review and comment. Please review this draft at your earliest convenience and respond back to our office with any questions or comments that you may have by Friday, February 15, 2002. Once we have had an opportunity to review and respond to any comments received, we will schedule the date and time for holding a public hearing regarding the adoption of this Order by the Commissioners Court.

Thank you for your assistance and cooperation regarding this issue. If you require any additional information, please do not hesitate to contact our office. We look forward to hearing from you and welcome any public comments or questions.



SUBDIVISION REGULATIONS

McLennan County, Texas

SUBDIVISION REGULATIONS

McLennan County, Texas

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SUBDIVISION REGULATIONS
McLennan County, Texas

Article I

Purpose and Authority

Section 1.1

Purpose

These Subdivision Regulations have been adopted to encourage the orderly and efficient development of rural and suburban areas within McLennan County by establishing standards for the provision of adequate stormwater drainage, transportation, public utilities and facilities, and other features that are necessary for ensuring the creation and continuance of a healthy, attractive, safe and efficient community that provides for the conservation, enhancement and protection of its human and natural resources. These Regulations have been prepared to promote the health, safety and general welfare of the citizens of McLennan County.

Section 1.2

Findings

The McLennan County Commissioners Court hereby makes the following findings:

- A. The Commissioners Court has been delegated the authority to regulate the subdivision and development process pursuant to Local Government Code, Chapter 232;
- B. The Commissioners Court has been designated by the Texas Natural Resource Conservation Commission as the authorized agent for the licensing and regulation of on-site sewage facilities within McLennan County, and these Regulations are a necessary component of such regulation;
- C. The Commissioners Court has the authority and obligation to exercise general control over the roads, highways, bridges and related drainage structures and development within McLennan County, and these Regulations are a necessary component of such obligations;
- D. The Commissioners Court has been granted authority and responsibility under the Federal Emergency Management Agency (FEMA), Chapter 16, Section 16.315, Water Code, to administer floodplain development regulations within McLennan County, and to regulate associated development;
- E. The Commissioners Court has considered the potential pollution, nuisances and injury to public health that could be caused by the use of private sewage facilities within McLennan County, and has adopted these

Regulations in part to abate or prevent the potential pollution, nuisances or injury to public health;

- F. The Commissioners Court has the authority and obligation to protect the public health, safety and welfare of the citizens of McLennan County;
- G. The Commissioners Court has considered the potential burden upon landowners and taxpayers of substandard development and/or road construction; and,
- H. These Regulations are adopted to preserve and protect the resources, public health and private property interests within McLennan County.

Section 1.3 Order

The Commissioners Court of McLennan County, following public notice, investigation and hearing, has declared and hereby declares these Subdivision Regulations to be necessary and appropriate to accomplish the purposes and goals stated above. These Regulations have been adopted by order of the McLennan County Commissioners Court to provide a model for the orderly and efficient development of the rural and suburban areas within McLennan County.

Section 1.4 Applicable Jurisdiction

This order applies to areas within McLennan County that are located outside of the corporate limits of a municipality. Additionally, this order may exclude areas within McLennan County that are located within the extraterritorial jurisdiction (ETJ) of a municipality, provided that an ETJ has been established by the municipality and the municipality has entered into a written agreement with the County that identifies the municipality as the entity authorized to regulate subdivision plats within their respective ETJ, in accordance with Section 242.001, Local Government Code.

Section 1.5 Interpretation

In the interpretation and application of the provisions of these Regulations, it is the intention of the Commissioners Court that the principles, standards and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions within McLennan County, and shall supersede the previous Subdivision Regulations (approved on November 29, 1961) in their entirety. Furthermore, it is the intent of the Commissioners Court that these Regulations shall be interpreted in conjunction with the Court's orders relating to floodplain development, on-site sewage facilities, and road requirements.

Section 1.6 Application

Upon adoption of this order, any tract of land that is divided into two (2) or more parts or any re-subdivision or combining of all or part of any previously platted and recorded subdivision shall adhere to the requirements of these Regulations, unless exempt in accordance with Section 1.7.

Section 1.7 Exemptions

A. The owner of a tract of land located outside the limits of a municipality who divides the tract into two (2) or more parts is exempt from the platting requirements of these Subdivision Regulations provided that no part of the land is intended or designed for the laying out of streets, alleys, squares, parks, public utility easements, public rights-of-way, private ingress/egress easements, drainage or stormwater improvements, or other parts of the tract intended to be dedicated for public use or for the use of purchasers or owners of lots or parcels fronting on or adjacent to such facilities **and** meets one of the following conditions:

- (1) The tract of land is to be used primarily for agricultural use, as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management, or timber production use within the meaning of Section 1-d-1, Article VIII, Texas Constitution;
- (2) The tract of land is divided into four (4) or fewer parcels and each of these parcels is to be sold, given, or otherwise transferred to an individual who is related to the owner within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code;
- (3) All the lots of the subdivision are more than 10 acres in area;
- (4) All the lots of the subdivision are sold to veterans through the Veterans' Land Board program;
- (5) The tract of land belongs to the state or any state agency, board or commission or owned by the permanent school fund or any other dedicated funds of the state;
- (6) The owner of the tract of land is a political subdivision of the state; the land is situated in a floodplain; and the lots are sold to the adjoining landowners;
- (7) One new part of the tract is to be retained by the owner, and the other new part is to be transferred to another person who will further subdivide the tract subject to the plat approval requirements of these Regulations;
- (8) All parts of the tract are transferred to persons who owned an undivided interest in the original tract and a plat is filed before any further development of any part of the tract;

- (9) The acquisition or disposition of land by any federal or state agency, political subdivision of the state, municipality, or school district intended for or relating to right-of-way purposes;
- (10) The tract of land is to be used solely for the financing of the construction of a building or for the refinancing of an existing building with no change in property ownership.

B. Land divisions that are initially exempt, under this Section, or development on tracts which were a part of a division that was initially exempt, require approval under these Subdivision Regulations at the time that subdivision of the land, as defined in Article II, is proposed to occur or at the time that the intended development on the tract exceeds the nature of the particular exemption.

C. Exemption under these Regulations does not exempt the developer or owner of the property from requirements arising under McLennan County's floodplain development and/or on-site sewage facilities orders.

Section 1.8 Prior Approvals

A. A plat that has received preliminary approval prior to the effective date of these Regulations shall be based upon the subdivision regulations in effect immediately prior to these Regulations, and such regulations are kept in effect for such purposes. Development of land subject to this Section may be subject to floodplain development and/or on-site sewage facilities regulations duly adopted by County order.

B. All other plat submittals, including replats or plat amendments, shall be subject to the regulations and development standards contained in these Regulations.

Section 1.9 Issuance of Permits

No permit, which McLennan County is authorized to issue, will be issued for any property that is not in compliance with these Regulations.

Section 1.10 Appendices Incorporated

The appendices to this order are incorporated herein by reference and are hereby made a part of this order.

Article II

Definitions

Section 2.1 Interpretation

For the purpose of these Regulations, the following terms, phrases, words and their derivations shall have the meaning given herein. Definitions not expressly prescribed herein are to be determined in accordance with customary usage in planning and engineering practice. The word “shall” is mandatory and the word “may” is permissive.

Acre – A unit of area equal to 43,560 square feet. When calculating the acreage of any lot, the gross square footage within the lot shall be used, provided that any area that is dedicated for right-of-way purposes, within a private roadway easement, or an easement for a shared access driveway, shall be excluded.

Applicant – An owner or owner’s authorized representative who seeks approval of a proposed subdivision pursuant to these Regulations.

Arterial Street – A principle traffic artery, carrying higher volumes of traffic, more or less continuously, which is intended to connect remote parts of the area adjacent thereto and to act as a principle connecting street with state highways.

Base Flood Elevation – The height of the base (100-year) flood in relation to a specified datum, usually the National Geodetic Vertical Datum (NGVD) of 1929 or North American Vertical Datum of 1988.

Bond – Any form of surety bond in an amount and form satisfactory to the County, as authorized in Section 232.004 of the Local Government Code.

Building Setback Line – The line within a property defining the minimum horizontal distance between a building or other structure and the adjacent street and/or property line(s).

Business Day – The days of the week when County offices are normally open (excludes official holidays and weekends).

Collector Street – A street or road providing for travel between local streets and the arterial street network, or serving multi-family development or neighborhood centers or services such as schools, parks or fire stations.

Commissioners Court – The Commissioners Court of McLennan County.

County – McLennan County, Texas.

County Clerk – The County Clerk of McLennan County.

County Engineer – The County Engineer of McLennan County or their designated representative.

County Road – A public roadway under the control and maintenance of the County.

County Road System – Public roads that have been accepted for County maintenance.

Daughter Tract – Any tract created by the division of a parent tract, including the remainder of the parent tract itself.

Dedication – The appropriation of land, or an easement therein, by an owner, for the use of the public and accepted for such use by or on the behalf of the public.

Development – All land modification activity, including the grading or construction of buildings, roads, parking lots and/or other impervious structures or surfaces.

Drainage Plan or Study – A general plan for handling stormwater affecting existing and proposed property and/or roads due to development.

Easement – The word “easement” shall mean an area for restricted use on private property upon which a public utility/entity shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growth which in any way endanger or interfere with the construction, maintenance and/or efficiency of its respective systems on or within any of these easements.

Engineer – A person licensed under the provisions of the Texas Engineering Registration Act to practice the profession of engineering.

Existing Roadways – Roadways that have been constructed and in place prior to the passage of this order.

Extraterritorial Jurisdiction (ETJ) – The unincorporated land area, not a part of any city, which is contiguous to the corporate limits, as defined in Local Government Code, Chapter 42.

FEMA – Federal Emergency Management Agency.

Final Acceptance – Formal acceptance by order of the McLennan County Commissioners Court.

Final Plat – The official drawing or map (including all necessary survey drawings, notes, information, affidavits, dedications and/or acceptances as required by these

Regulations) of any given subdivision of land which is prepared from actual field measurements and staking of all identifiable points by a surveyor or engineer, with the subdivision location referenced to a survey corner and with all boundaries, corners and curves of the land division sufficiently described so that they can be reproduced without additional information.

Floodplain – That area subject to inundation by flood, having a one percent probability of occurrence in any given year (100-year flood), based on existing conditions of development within the watershed area, as shown on the Flood Insurance Rate Maps (FIRM) provided by FEMA.

Grade – The horizontal elevation of a finished surface of the ground or paving at a point where height is to be measured or the degree of inclination of a surface.

Homeowners Association – An organized, non-profit corporation with mandatory membership when property is purchased.

Local Street – A street or road which is intended primarily to serve traffic within a neighborhood or limited residential area and which is not continuous through several residential areas.

Lot – Any tract or parcel of land created by the division of the original tract and including the remainder of the original tract.

Lot of Record – A divided or undivided tract or parcel of land having frontage onto a road and which is, or which in the future may be, offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract; and which is identified by a lot number in a duly approved subdivision plat which has been properly filed of record.

Manufactured Home Rental Community - A plot or tract of land that is separated into two (2) or more spaces or lots that are rented, leased or offered for rent or lease, for a term of less than sixty (60) months without a purchase option, for the installation of manufactured homes for use and occupancy as residences.

Manufactured Home Subdivision – A plot or tract of land that is separated or divided into two (2) or more parts for sale, or that are rented, leased or offered for rent or lease for the installation of manufactured homes for use and occupancy as dwelling units, either with an option to purchase or for a term of more than sixty (60) months.

Minimum Requirements – Minimum acceptable requirements; such requirements may be modified by the County Engineer as may be necessary to protect the public health, safety, and welfare.

Original Tract – The original tract of land owned by an owner prior to proposed subdivision (see Parent Tract).

Owner – The owner of land of record subject to the proposed subdivision requirements.

Parent Tract – The original tract of land owned prior to any division.

Plat – A drawing or map depicting the division or subdivision of land into lots, blocks, parcels, tracts or other parts.

Precinct Commissioner - McLennan County Commissioner in whose precinct the subdivision or development is located.

Preliminary Plat – A drawing or map depicting the proposed overall plan for subdividing, improving and developing a tract of land shown by superimposing a scale drawing of the proposed division onto a topographic map, and showing in plan view all existing and proposed drainage features and facilities, the proposed road layout and other pertinent features, along with such notations and other information that is sufficient to substantially describe the general scope and detail of the proposed development.

Private Road – A residential road that is typically owned and/or maintained by an entity other than the County and that is generally intended to serve residents located thereon but not the public at large.

Public Road – A public right-of-way, however designated, dedicated, or acquired which provides vehicular access to adjacent properties.

Record Plat – The final plat drawing which has been approved by the Commissioners Court, signed by the County Judge and filed at the County Clerk’s office.

Regulations - McLennan County Subdivision Regulations, as may be amended.

Replating (or Replat) – The re-subdivision or combining of all or part of any block(s), lot(s) or tract(s) within a previously platted and recorded subdivision.

Residential Collector Street – A street or road collecting traffic from local streets of a residential nature and leading to streets of a higher type of classification.

Residue Tract – Any part of the original tract remaining after its division.

Right-of-Way – A parcel of land that is occupied or intended to be occupied, by a road or alley. Where appropriate, “right-of-way” may include other facilities and/or utilities such as sidewalks; railroad crossings; electrical,

telecommunication, oil, gas, water, sanitary sewer and/or storm sewer facilities. The term “right-of-way” shall also include parkways and medians which are located outside of the actual pavement. The usage of the term “right-of-way” for land platting purposes shall mean that every public right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and shall not be included within the dimensions or areas of such lots or parcels.

Street (or Road) – A right-of-way (or easement), whether public or private and however designated, which provides vehicular access to adjacent land.

Street (or Road) Right-of-Way – The distance between property lines measured at right angles to the centerline of the street.

Subdivider – Any person or agent thereof who is dividing or proposing to divide land so as to constitute a subdivision as that term is herein defined. In any event, the term “subdivider” shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner (such as developer) of land that is sought to be subdivided.

Subdivision – The division of a tract of land situated within McLennan County and outside the corporate limits of any municipality into two (2) or more lots, parcels or tracts for the purpose of sale or development, or for the purpose of laying out streets, alleys, squares, parks, public utility easements, public rights-of-way, private ingress/egress easements, drainage or stormwater improvements, or other parts of the tract intended to be dedicated to the County for public use or for the use of purchasers or owners of lots or parcels fronting on or adjacent to such facilities. The term “subdivision” includes the term “addition”.

A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance, or in a contract for deed or sale or other executory contract to convey, or in a lease (other than agricultural or hunting leases), or by using any other method of conveyance of an interest of land.

It is the intent of the Commissioners Court that the term “subdivision” be interpreted to include all divisions of land that are not exempt under Section 1.7 of these Regulations, including divisions intended to create gated (i.e., private streets) communities, to the fullest extent permitted under the laws of the State of Texas.

Substandard Street (or Road) – A street which does not meet the minimum County road standards (as contained within the regulations “Roadway Design and Construction Requirements,” duly adopted by County order and attached hereto as Appendix C).

Surveyor – A person licensed under the provisions of the Texas Professional Land Surveying Practices Act to practice the profession of surveying.

TNRCC – Texas Natural Resource Conservation Commission.

Article III

Subdivision Procedures

Section 3.1 Submittal Materials

Each preliminary plat or final plat shall be submitted to the County Engineer and shall be accompanied by the following information and materials:

- A. A complete application form as approved by the County (see Appendix A) and all the information specified in Articles IV and V relating to preliminary and final plats, respectively, which includes the required number of copies of the drawing(s) for each type of plat;
- B. The applicable review fee (see Appendix A);
- C. An original tax certificate showing that all taxes currently due for the land being subdivided or re-subdivided have been paid (must be provided with final plat submittal);
- D. All required engineering and/or construction drawings/plans, where applicable, which have been signed, dated and sealed by a registered engineer;
- E. All required bonds and/or letters of credit (must be provided with final plat submittal).

Section 3.2 Complete Submittal Required

- A. A preliminary plat shall be considered to be complete for purposes of this Section when all of the information required under Section 3.1 and Article IV is received and approved by the County Engineer.
- B. A final plat (or replat or amended plat) shall be considered to be complete for purposes of this Section when all of the information required under Section 3.1 and Article V is received and approved by the County Engineer.
- C. Acceptance by the County Engineer of a plat shall not be construed as approval of the documentation or other information. In addition, acceptance of the plat shall not be construed as permission or approval to begin construction activities on the proposed development site.

- D. If the County Engineer determines that the plat submittal is incomplete with reference to the requirements of this Order, the applicant shall be notified within ten (10) business days of the date the plat was received with a written explanation of missing or required information or documents.
- E. The applicant shall address the County Engineer's comments and shall then revise and resubmit the plat along with any additional information as requested by the County Engineer.
- F. Upon compliance with these Regulations, the County Engineer shall schedule the plat for consideration and final action by the Commissioners Court not later than the sixtieth (60th) day after the date the plat was accepted as complete.
- G. The period for final decision by the Commissioners Court may be extended for any of the following reasons;
- (1) If agreed to in writing by the applicant and approved by the County Engineer, for a reasonable period of time; or
 - (2) If the County must perform a taking impact assessment in connection with a plat submittal per Chapter 2007, Government Code, the period for approval may be extended for an additional sixty (60) days; or
 - (3) The timing of approval is affected by another regulatory agency that has jurisdiction over plat approval or satisfaction of plat standards of approval, in which case the period may be extended for a time until that agency completes its procedures with respect to the plat.
- H. If the Commissioners Court fails to take final action of the plat as required under Section 3.2(F):
- (1) The Commissioners Court shall refund the greater of the unexpended portion of any plat application fee or deposit or 50 percent of a plat application fee or deposit that has been paid.
 - (2) The plat application is granted by operation of law; and
 - (3) The applicant may apply to a district court in McLennan County for a writ of mandamus to compel the Commissioners Court to issue documents recognizing the plat's approval.

Section 3.3 Action by Commissioners Court

- A. The Commissioners Court shall consider and take final action on a preliminary or final plat, as the case may be, including the resolution of all

requests for exceptions, not later than the sixtieth (60th) day after the date a plat submittal is determined by the County Engineer to be complete in accordance with this Order, except where the period has been extended as described in Section 3.2.

B. The Commissioners Court shall consider and take action on the plat based upon the criteria for plat approval in Articles IV and V relating to preliminary and final plats, respectively, the recommendations of the County Engineer and other officials and agencies, and the results of the takings impact assessment, if any. The applicant will be given the opportunity to appear before the Commissioners Court and be heard at the meetings at which the Preliminary and Final plats are considered. The applicant will be notified of the meeting dates and times by letter to the contact address in the application, or by fax at least two (2) days prior to the meeting.

C. The Commissioners Court may approve, approve with conditions with reference to the requirements of this Order, or disapprove the plat.

D. If the Commissioners Court disapproves a plat, the applicant shall be given a list of the reasons for the disapproval.

E. It is the responsibility of the applicant/developer to assure compliance with applicable State, federal and local laws and regulations pertaining to the environment.

Section 3.4 Plat Review Fees

The applicant shall pay a non-refundable fee in the amount set forth in Appendix A of these Regulations, with each submittal of either a preliminary plat or final plat. This fee shall include the cost for reviewing the plat submittal and recording the final plat at the County Clerk's Office. This fee does not include the cost for the original tax certificate. In addition, upon review (or re-review) of a plat submittal by the County Engineer, if changes are made to the plat by the applicant/developer that were not a part of the plat submittal after the review or if the items required by the review have not been addressed or satisfied when the plat is re-submitted, an additional fee will be assessed each time the plat is re-submitted and review is required. A one-time re-review will be allowed prior to the assessment of this fee. The application fee schedule may be amended from time to time by the Commissioners Court without amending or affecting the remainder of these Regulations.

Section 3.5 Record Plat

One (1) 18" x 24" mylar, containing all original signatures, along with the original tax certificate (Section 12.002, Property Code), shall be presented to the County Clerk by the County Engineer's Office for recording as the record plat (after all County reviews and/or approval procedures have been satisfied), unless

the requirements for recording plats is changed by the County, in which case the new requirements shall be followed. The original tax certificate shall be provided to the County Engineer by the applicant/developer with the final plat submittal. All writing and drawings on the record plat must be large enough and clear enough to be easily legible following recording and subsequent reproduction methods customarily used by the County.

Article IV

Preliminary Plat

Section 4.1 Preliminary Plat Submittals

A preliminary plat submittal shall be required under the following circumstances:

- A. The tract of land does not meet the exemption requirements in Article I; and,
- B. The tract is to be divided in such a way that there are more than four (4) lots created, including residue tracts; and,
- C. A part of the tract is intended or designed for the laying out of streets, alleys, squares, parks, public rights-of-way, private ingress/egress easements, or other parts of the tract intended to be dedicated for public use or for the use of purchasers or owners of lots or parcels fronting on or adjacent to such facilities.

Section 4.2 Preliminary Plat Requirements

A preliminary plat shall include the following:

A. General Information:

- (1) Two (2) 18" x 24" blueline copies shall be provided to the County Engineer for initial review. After all County reviews and requirements have been satisfied, a minimum of one (1) 18" x 24" original plat (i.e., paper copy with all original signatures) shall be provided to the County Engineer. In addition, along with the original preliminary plat, one (1) reduced copy of the plat, 8 ½" x 11" in size, shall be provided.
- (2) Name of the proposed subdivision, which shall not be the same or similar to any other subdivision within the County unless the subdivision is an extension of a pre-existing, contiguous subdivision.
- (3) The boundary lines, with bearings and distances, total acreage and legal description of the proposed subdivision.

- (4) A note stating the total number of lots within the proposed subdivision, the smallest and largest lot size shown on the plat, and the average size of lots.
- (5) Lot and block numbers for each parcel.
- (6) Acreage and dimensions of each lot.
- (7) The location of any lots proposed for parks, squares, greenbelts, schools and/or other public use facilities.
- (8) Names of adjoining subdivisions or owners of property contiguous to the proposed subdivision, along with the appropriate recording information (i.e., volume and page deed reference or instrument number).
- (9) Name, signature, seal, date and address of the surveyor and/or engineer.
- (10) Name, address and signature of the owner (or of the applicant, if not the owner) and the developer of the property.
- (11) A location map which shows the general location of the proposed subdivision in relation to other subdivisions, major roads, towns, cities and/or topographical features.
- (12) North arrow, scale (both graphic and written) and date. The scale shall not exceed 1 inch = 200 feet, or as required by the County Engineer. Multiple sheets may be required on larger subdivisions.
- (13) Description of monumentation used to mark all boundary, lot and block corners, as established by a surveyor, and all points of curvature and tangency on street rights-of-way.
- (14) A statement indicating in which school district(s) the subdivision is located.
- (15) Distance from the proposed subdivision to the nearest road intersection.
- (16) A notation indicating that the plat is "For Inspection Purposes Only."
- (17) Indicate the proposed phases of development (if applicable).

B. Floodplain and Drainage Information:

- (1) Topographic contour lines on the preliminary plat shall be shown at a maximum contour interval of two (2) feet for developments where roads are proposed and ten (10) feet for all other developments or as required by the County Engineer, based upon site specific conditions.
- (2) All special flood hazard areas identified by the most current Flood Insurance Rate Map (FIRM) provided by the Federal Emergency Management Agency (FEMA) shall be shown on the plat.
- (3) For each lot located wholly or partially within the floodplain, sufficient additional contours shall be provided such that they clearly identify and delineate the 100-year floodplain and regulatory floodway, if any, along with base flood elevations.

- (4) All existing drainage facilities, ditches, culverts and bridges shall be shown. For each subdivision located wholly or partially within the floodplain and consisting of at least five (5) lots, at least one benchmark showing NGVD 29 elevation, as well as latitude and longitude coordinates, shall be set.
- (5) A final drainage plan prepared in accordance with the requirements contained in Appendix D of these Regulations.
- (6) The location and size of all proposed drainage structures, including on-site retention and/or detention ponds and easements and the impact of the proposed lot and street layout upon stormwater drainage shall be included.
- (7) Depiction of all creeks, streams, rivers, ponds, lakes, stock tanks and other surface water features.
- (8) For subdivisions not located within the floodplain, reference shall be made on the plat that the subdivision is not located within the 100-year floodplain and the community and panel number of the appropriate FIRM shall be included.

C. Street and Right-of-Way Information:

- (1) Name, location, length and right-of-way widths of all proposed streets and existing streets (or roads) and a depiction of how all proposed streets shall connect with previously dedicated, platted, existing and/or planned streets within the vicinity of the subdivision. Provide written approval from the McLennan County 911 Emergency Assistance District office regarding all proposed street names.
- (2) Location, size and proposed use of all proposed access easements, or shared access driveways, if any.

D. Water, Wastewater and Utilities Information:

- (1) Designation of the entities supplying telephone, electricity, and/or gas (if available) utilities to the lots.
- (2) The location of all proposed utility easements and/or infrastructure, including water wells and sanitary sewer easements, if applicable. Public and private wells shall include a sanitary easement of 150-foot and 100-foot radius, respectively.
- (3) Designation of the water and/or sewer utility provider(s) for the subdivision and the source of the water intended to serve each lot within the subdivision. Where groundwater is to be the source of water for the subdivision, certification by a registered engineer that the provider has adequate water resources to meet TNRCC requirements for residential development. Include the water provider's certificate of convenience and necessity (CCN) number.

- (4) The location and size of existing and/or proposed water lines that are to serve the proposed subdivision along with all proposed fire hydrants.
- (5) Certification that all lots have been designed in compliance with the rules of McLennan County for on-site sewage facilities, together with all planning and evaluation materials required, including the preparation and submission of an on-site suitability report (if applicable).
- (6) Recording information (volume and page deed reference or instrument number) on all existing utility easements.

Section 4.3 Approval of Preliminary Plat

The plat shall conform to each of the requirements outlined in Articles VI, VII and VIII of these Regulations.

- A. Approval of the preliminary plat by the Commissioners Court indicates the County's approval of the basic layout of the proposed subdivision and of proposed improvements (as applicable), but will not constitute approval for recording the final plat with the County Clerk.
- B. Approval of a preliminary plat does not authorize any site grading, construction or development activities, but merely authorizes the applicant to proceed with the preparation of a final plat.
- C. Conveyance or sale of lots depicted on a preliminary plat shall not be permitted until the final plat has been approved and until the record plat has been filed with the County Clerk.

Section 4.4 Expiration of Preliminary Plat

- A. Approval of a preliminary plat shall expire and in no way be in force and effect after twelve (12) months following the date the Commissioners Court approves the preliminary plat, unless a final plat is approved for all or part of the preliminary plat within that time period.
- B. The filing of a revised preliminary plat after approval of the original preliminary plat but prior to final plat approval shall cause the prior approved preliminary plat to expire immediately. If a phase of the development has already received final plat approval, the applicant shall submit a revised preliminary plat for all phases of the subdivision that have not yet received final plat approval.

Article V

Final Plat

Section 5.1 Final Plat Requirements

A final plat shall include the following:

A. General Information:

- (1) Two (2) 18" x 24" blue-line copies shall be provided to the County Engineer for initial review. After all County reviews and requirements have been satisfied, one (1) 18" x 24" original mylar (i.e., all original signatures) and a minimum of two (2) paper copies shall be provided to the County Engineer. In addition, along with the original final plat and copies, one (1) reduced copy of the plat, 8 ½" x 11" in size, shall be provided.
- (2) Legal description of the subdivision, bearings and distances of the boundary of the subdivision and all lots, parks, greenbelts, rights-of-way, easements, reserve tracts and all other survey information necessary to reproduce the plat on the ground. The length of the radius and arc of all curves, with bearings and distances of all chords, shall be clearly indicated.
- (3) Description of monumentation used to mark all boundary, lot and block corners, as established by a surveyor, and all points of curvature and tangency on street rights-of-way.
- (4) Lot and block numbers for each parcel.
- (5) The total acreage within the subdivision and the acreage of each lot.
- (6) All required design calculations and information (provided with plat submittal).
- (7) Names of adjoining subdivision or owners of property contiguous to the proposed subdivision, along with appropriate recording information (i.e., volume and page deed reference or instrument number).
- (8) Name, signature, seal, date and address of the surveyor and/or engineer.
- (9) Name, address and signature of the owner/developer of the property.
- (10) Distance from the subdivision to the nearest road intersection.
- (11) A location map which shows the general location of the subdivision in relation to other subdivisions, major roads, towns, cities and/or topographical features.
- (12) A statement indicating in which school district(s) the subdivision is located.

- (13) North arrow, scale (both graphic and written) and date. The scale shall not exceed 1 inch = 100 feet, or as required by the County Engineer. Multiple sheets may be required on larger subdivisions.
- (14) Plats of subdivisions consisting of five (5) or more lots shall be submitted on electronic media in “dwg” or “dgn” file format. Plats of five (5) or more lots not provided in electronic form shall be accompanied by a \$75.00 digitizing fee.

B. Floodplain and Drainage Information:

- (1) For subdivisions with any lots located wholly or partially within a floodplain, the limits of the floodplain and regulatory floodway, if any, shall be delineated and clearly identified, along with base flood elevations.
- (2) For subdivisions located wholly or partially within the floodplain, finished floor elevations of each lot located wholly or partially within the floodplain, in accordance with McLennan County’s floodplain development criteria and as identified by FEMA shall be shown.
- (3) For subdivisions located wholly or partially within the floodplain, a note shall be clearly displayed on the plat containing the language provided in Appendix B regarding floodplains (and floodways).
- (4) For each subdivision located wholly or partially within the floodplain and consisting of at least five (5) lots, at least one benchmark showing NGVD 29 elevation, as well as latitude and longitude coordinates, shall be set.
- (5) For subdivisions not located within the floodplain, reference shall be made on the plat that the subdivision is not located within the 100-year floodplain and the community and panel number of the appropriate FIRM shall be included.

C. Street and Right-of-Way Information:

- (1) The name, right-of-way width, and total length of all streets (as measured along the center lines), in linear feet.
- (2) The information required under Section 5.1(G) or Section 5.1(H), as applicable.

D. Water, Wastewater and Utilities Information:

- (1) Designation of the entities supplying telephone, electricity, and/or gas (if available) utilities to the lots.
- (2) The location of all proposed utility easements and/or infrastructure, including water wells and sanitary sewer easements, if applicable.

Public and private wells shall include a sanitary easement of 150-foot and 100-foot radius, respectively.

- (3) Designation of the water and/or sewer utility provider(s) for the subdivision and the source of the water intended to serve each lot within the subdivision. Where groundwater is to be the source of water for the subdivision, certification by a registered engineer that the provider has adequate water resources to meet TNRCC requirements for residential development. Include the water provider's certificate of convenience and necessity (CCN) number.
- (4) Certification that all lots have been designed in compliance with the rules of McLennan County for on-site sewage facilities, together with all planning and evaluation materials required.
- (5) Recording information (volume and page deed reference or instrument number) on all existing utility easements.

E. Building Lines:

The location of building setback lines, if any, along all streets and drainage easements and other public rights-of-way or future rights-of-way shall be shown on the plat.

F. Plat Notes and Certifications:

Certifications and the appropriate plat notes (i.e., language) set forth in Appendix B of these Regulations or as may be required by the County Engineer.

G. Requirements for Roads to be Maintained by the County:

Prior to the submittal of a final plat for approval, an applicant seeking to construct streets and/or drainage improvements that the applicant wishes the County to accept upon completion of construction shall adhere to the following:

- (1) Meet the requirements of the County order entitled "Roadway Design and Construction Requirements," attached hereto as Appendix C;
- (2) No final plat will be approved by the Commissioners Court until the construction plans have been approved by the County Engineer;
- (3) Certification by a professional engineer that the construction plans are in compliance with the requirements set forth in these Regulations;
- (4) Provide an estimated construction cost, per linear foot, for each street; and,
- (5) Provide the total estimated construction cost of all the streets and drainage improvements proposed to be constructed within the subdivision.

H. Requirements for Streets that are to Remain Private:

Prior to the submittal of a final plat for approval, an applicant seeking to construct streets and/or drainage improvements that the applicant wishes to remain private (i.e., seeks to have a homeowners association or other entity maintain said streets and/or drainage improvements) shall adhere to the following:

- (1) Meet the road requirements of the County order entitled “Roadway Design and Construction Requirements,” attached hereto as Appendix C;
- (2) No final plat will be approved by the Commissioners Court until the construction plans have been approved by the County Engineer;
- (3) The certification of a professional engineer that the construction plans are in compliance with the requirements set forth in these Regulations;
- (4) The total estimated construction cost of all the streets and drainage improvements proposed to be constructed within the subdivision.

Section 5.2 Standards for Approval

The Commissioners Court shall approve a final plat if it satisfies the following standards:

- A. The plat is consistent with the approved preliminary plat (if applicable);
- B. The plat conforms to each of the requirements outlined in this article and Articles VI, VII and VIII of these Regulations.

Section 5.3 Approval of Final Plat

Approval of a final plat by the Commissioners Court shall in no way authorize any construction or development activities but merely authorizes the filing of a record plat with the County Clerk. In addition, such approval does not constitute any obligation on the part of the County for maintenance of any road(s) or other improvements. Acceptance for maintenance shall require a separate order of the Commissioners Court entered at a date after the roads and improvements have actually been constructed and inspected pursuant to Appendix C of this Order.

Article VI

Subdivision Design and Street Construction Requirements

Section 6.1 Lots – General Provisions

The purpose of this section is to provide general guidelines for the establishment of individual lots within subdivisions.

- A. Lots shall be of sufficient size and shape to allow for the construction of residential dwelling units that will meet the requirements of established building or construction codes, public health codes, local ordinances, and accepted family living standards.
- B. Lots shall be of sufficient size and shape to accommodate easements for all public and private utility services and facilities that are to serve the subdivision.
- C. Lots should be designed, so far as possible, to have the side lot lines at right angles to the street on which the lots face or radial to curved street lines.

Section 6.2 Minimum Lot Size

- A. The minimum lot size for lots serviced by sanitary sewer shall be not less than 5,000 square feet.
- B. The minimum lot size for lots not serviced by sanitary sewer shall be in accordance with the rules and regulations pertaining to the “On-Site Sewage Facilities Rules” for McLennan County, and in no case shall be less than one half (1/2) acre in size.

Section 6.3 Lot Frontage

- A. Lots shall be of sufficient width along roadways so as not to create any adverse drainage conditions or traffic hazards.
- B. Lots fronting along State maintained roadways shall adhere to the requirements of the agency having control over said roadways and associated right-of-way.

Section 6.4 Flag or Key Lots

Flag or key lots shall generally not be permitted, except under unusual circumstances. The staff portion of the lot shall not be longer than two hundred (200) feet and must be a minimum distance of five hundred (500) feet away from any other flag or key lot. The minimum width of the staff shall be thirty (30) feet. This type of lot shall also be restricted such that the staff portion of the lot is to be for access only and the construction of any buildings, structures, improvements, or fences within this area of the lot shall be prohibited. Lots in which the staff portion is at least one hundred (100) feet wide shall not be considered flag or key lots.

Section 6.5 Types of Streets (or Roads)

All streets serving a subdivision, whether maintained or designated to be maintained by the County or for private maintenance (e.g., by homeowners

association, etc.), shall be designed and constructed in accordance with the standards in this Article and as contained within the “Roadway Design and Construction Requirements” order (Appendix C), as may be amended from time to time, and shall be classified as one of the following types of streets:

- A. Public streets; or
- B. Private streets, to be maintained by a homeowners association or other maintenance entity.

Within any easement providing access to more than three (3) lots, streets shall be constructed in accordance with this section.

Section 6.6 Roadway Layout

The proposed preliminary or final plat shall satisfy the requirements of these Regulations relating to the design of roadways, and shall contain a written certification from a professional engineer or licensed surveyor that the locations and dimensions of roadways as set forth and laid out on the plat are in accordance with these Regulations.

- A. Residential streets shall be so laid out that their use by through traffic will be discouraged, but access is provided to adjacent subdivisions.
- B. All residential subdivisions shall provide no less than one (1) point of access for each seventy-five (75) lots, including street stubs for future connections or extensions into a future development or phase and/or connection to an existing major collector or arterial or as required by the County Engineer.

Section 6.7 Dedication to the Public

Any dedication to the public shall be accomplished by dedication language on the plat which conveys a perpetual right-of-way easement on the property for public use (see Appendix B).

Section 6.8 Design and Construction of Public Improvements

All improvements shall be designed and installed to provide, to the maximum extent feasible, a logical system of utilities, drainage and streets to permit continuity of improvements to adjacent properties. Unless otherwise approved by the Commissioners Court, provisions must be made for extending existing dead-end streets within a recorded adjacent subdivision(s). Proposed streets should conform to existing topography, to the extent possible, in order to help eliminate or reduce potential drainage problems and to form a drainage collection system for surface water run-off.

- A. Design Criteria and Construction Standards for Streets (or Roads):
All streets shall be constructed in accordance with the “Roadway Design and Construction Requirements” order, as may be amended (Appendix C).
- B. Monuments:
In all subdivisions and additions, monuments shall be established at the corners of each block and lot in the subdivision, consisting of an iron rod or pipe, set flush with the top of the ground.
- C. Utility Easements:
Utility easements of not less than ten (10) feet shall be provided along the front of each lot or street frontage and along each side of rear lot lines. A utility easement of ten (10) feet on each side of side lot lines shall also be provided, if required by the County Engineer.

Section 6.9 Shared Access Driveways

Up to one (1) lot without independent access to a public road may obtain access to that road by means of a shared access driveway if approved by the Commissioners Court. An additional two (2) lots having independent access to a public road may also share the use of the shared access driveway. Shared access driveways are intended as a means to provide flexibility in the development process, and to preserve the rural character of the land. Shared access driveways are not intended to serve as a substitute for interior roads. Excessive use of shared access driveways will not be permitted. No more than ten percent (10%) of the total number of lots within a subdivision shall have shared access driveways.

Any plat submittal proposing shared access driveways shall also satisfy the following requirements:

- A. A note clearly displayed on the plat, containing the language provided in Appendix B regarding shared access driveways.
- B. Each of the lots sharing use of the shared access driveway shall hold equal, indivisible, irrevocable and unrestricted rights in the shared access driveway, which rights shall be established by a recorded easement and the easement shall run with the land of each of the benefited lots. The easement instrument shall clearly state each lot’s pro rata responsibility with respect to future maintenance and/or repairs of the shared access driveway.
- C. The shared access driveway is to be no longer than five hundred (500) feet in length or as directed by the County Engineer, and must have a minimum distance of two hundred (200) feet from any other driveway or shared access driveway entering onto the public road. The minimum width of a shared access driveway easement shall be thirty (30) feet.

- D. The postal address of each of the lots shall be based upon the public road from which the shared access driveway gains access, and the mailboxes for each of the lots shall be located together (i.e., clustered) along the edge of the right-of-way.

Section 6.10 Publicly Maintained and Dedicated Paved Streets

Paved streets dedicated to the public shall be required in all subdivisions except those satisfying the criteria for private streets, as contained herein. The boundary lines of all lots fronting onto a publicly dedicated right-of-way shall be contiguous with the boundary of the right-of-way.

Section 6.11 Private Streets

The term “private street” shall be inclusive of alleys, if such are to be provided within the subdivision.

A. Subdivision Eligibility Criteria:

Private streets shall not be intended for regional or local through traffic circulation.

B. Construction and Maintenance:

The County shall not pay for any portion of the cost of constructing or maintaining a private street, or for any utilities or related facilities that are adjacent to private streets.

C. Infrastructure:

All required water, sewer and drainage facilities and signs placed along private streets shall be installed in accordance with County standards.

D. Plans and Inspections:

Subdivisions with private streets must include the same engineering consideration and plans required for public streets and utilities.

E. Restricted Access:

The entrances to all private streets must be marked with a sign stating that it is a private street and that the street and related improvements are not maintained by the County.

F. Petition to Convert to County Maintained Streets:

Lot owners along a private street(s) may request that the County accept the private street(s) as a public street(s) and right(s)-of-way upon dedication of said private street to the public and submission of a written request to the County Engineer, which has been signed by all the lot owners along the subject street. However, in no event shall the County be obligated to accept said street(s) for County maintenance. Should the Commissioners Court elect to accept the street(s) for maintenance, the County may inspect the street(s) and determine the costs of needed repairs and/or street

rehabilitation. Such costs shall be borne by the lot owners prior to the County's acceptance of the street(s). The County shall be the sole judge of whether repairs or rehabilitation are needed. The County may also require, at the lot owners expense, the removal of guard houses, access control devices, landscaping and/or other aesthetic amenities located within the street right(s)-of-way.

Section 6.12 Mailboxes

- A. Mailboxes shall be set a minimum of three (3) feet from the edge of the pavement or one (1) foot behind curbs. When placement of the mailbox outside of the 3 foot minimum is not possible, a "break-away" type design shall be used.
- B. All mailboxes within County rights-of-way shall meet current TxDOT standards if the speed limit on the County road is more than 40 miles per hour. Mailboxes in subdivisions with speed limits at or below 40 miles per hour must meet U.S. Post Office requirements, and must be placed in a manner that does not interfere with the efficient movement of traffic or with visibility from driveways, side streets or other access points.
- C. For the purpose of public safety, the use of clustered or community mail facilities, whenever possible, is encouraged.

Section 6.13 Street Names and Signs

- A. All streets shall be named, with prior approval being received from the McLennan County 911 Emergency Assistance District office.
- B. All signs required by the County Engineer, including street name signs, regulatory signs (e.g., stop and yield), warning signs, and informational signs, shall be installed by the owner or developer. All traffic control signs and devices shall be installed in accordance with the most current version of the "*Texas Manual of Uniform Traffic Control Devices.*"

Article VII

Acceptance of Road Maintenance and Bonding Requirements

Section 7.1 Owner's Maintenance Responsibility

The owner shall remain responsible for all maintenance and repair of streets and drainage facilities within the subdivision until the Commissioners Court, by formal court action, accepts the obligation to maintain and repair such roads. The Commissioners Court's decision to approve a final plat or dedication of the right-

of-way for a road shall not be deemed to constitute acceptance of the road for maintenance.

Section 7.2 County Acceptance of Roadways

The County may accept a road or street and may assume maintenance responsibility when the following conditions have been satisfied:

- A. The associated right-of-way has been dedicated to the public pursuant to these Regulations and the final plat of the subdivision has been recorded with the County Clerk;
- B. The requirements contained within the “Roadway Design and Construction Requirements” order have been met (Appendix C);
- C. The owner has submitted a written request to the County Engineer;
- D. The County Engineer recommends acceptance of the roadways.

Section 7.3 Bonding Requirements

The County may require a bond or financial guarantee (e.g., letter of credit, cash deposit, or other acceptable guarantee) in relation to the construction of public improvements.

- A. The owner or owners of any tract of land to be subdivided shall give a good and sufficient bond or financial guarantee for the proper construction of streets and drainage facilities in the subdivision. The bond shall be a performance bond executed by a surety company authorized to do business in the State of Texas and approved by the Commissioners Court. If an irrevocable letter of credit is used, it must be issued by a federally insured financial institution.
- B. Such bond or financial guarantee (letter of credit) shall be made payable to “McLennan County Judge or his/her successors in office,” conditioned that the roads and streets and the drainage requirements for the subdivision will be constructed in accordance with these Regulations and within a reasonable time set by the Commissioners Court.
- C. The bond or financial guarantee shall be in an amount equal to the actual cost or contract amount of constructing such streets and drainage facilities.
- D. The bond or financial guarantee, in an amount to satisfy the requirements established herein, shall be presented to the Commissioners Court when the final subdivision plat is presented to the Court for approval. No subdivision plat will be approved by the Commissioners Court without being accompanied by a bond or financial guarantee meeting the requirements of this Section.

- E. The bond or financial guarantee shall go into effect on the day the final plat receives approval by the Commissioners Court. The bond or letter of credit must remain in full force and effect until after all streets and roads and all associated drainage improvements in the subdivision have been completed and have been accepted or approved by the County in accordance with these Regulations.
- F. Before release of the bond, the County Engineer shall inspect the roads and other improvements and the owner shall remedy all deficiencies prior to release of the security. If the deficiencies are not properly remedied, the County shall draw on the security to make the necessary repairs.

Article VIII

Water and Wastewater Standards

- Section 8.1 **Compliance with On-Site Sewage Rules**
All lots must be designed in compliance with the rules and regulations pertaining to the “On-Site Sewage Facilities Rules” for McLennan County, as may be amended from time to time.
- Section 8.2 **Individual Septic Systems**
All septic systems must be inspected and approved by the Waco-McLennan County Public Health District. All sewage disposal systems must be designed and constructed in accordance with regulations pertaining to the “On-Site Sewage Facilities Rules” for McLennan County, as may be amended from time to time.
- Section 8.3 **Groundwater Certification**
Where the intended source of water to serve a subdivision is groundwater under the land to be subdivided, whether the development is to be supplied by individual wells or from a central water system, no plat shall be approved unless the plat is accompanied by a certification prepared by a professional engineer that there is adequate groundwater from the intended source to serve the subdivision. This certification shall be in accordance with TNRCC requirements (Section 232.031, Local Government Code).

Article IX

Variances

- Section 9.1 **Criteria for Variances**
The Commissioners Court shall have the authority to grant variances from these Regulations when a special public interest and/or the requirements of justice

demands relaxation of the strict requirements of these rules. Any variance granted shall not have the effect of nullifying the intent and/or purpose of these Regulations. The conditions upon which the request for a variance is based shall be unique to the property in question, and not generally applicable to other property.

Factors to be considered by the Commissioners Court in evaluating a request for variance shall include:

- A. Whether strict enforcement of the Regulations would deny the applicant the safe use of their property;
- B. That the granting of the variance will not be detrimental to the public health, safety and welfare, or injurious to other property, or will not prevent the orderly subdivision of the land in the area in accordance with these Regulations; and,
- C. Whether there are special circumstances or conditions affecting the land involved in the proposed development such that strict application of these Regulations would deprive the applicant of the responsible use of their land, that failure to approve the variance would result in undue hardship to the applicant, and such is through no fault of the applicant.

Section 9.2 Application Materials

Any person who wishes to apply for a variance should apply in writing to the County Engineer with a list of, and detailed justification for, any variance(s) requested.

Section 9.3 Grant or Denial of Variance

The decision of the Commissioners Court to grant or deny a variance will be final.

Article X

Enforcement; Penalties; Appeals; Conflict of Interest; Severability

Section 10.1 Category of Offense

A person commits an offense if the person knowingly or intentionally violates a requirement of these Regulations, including the road design and construction specifications incorporated into these Regulations, the rules of McLennan County for on-site sewage facilities, and any appendices attached to these Regulations. An offense under this provision is a Class B misdemeanor (Section 232.005, Local Government Code).

Section 10.2 Enforcement Actions

At the request of the Commissioners Court, the County Attorney or other prosecuting attorney for the County may file an action in court of competent jurisdiction to:

- A. Enjoin the violation or threatened violation of a requirement established by or adopted by the Commissioners Court under these Regulations; or
- B. Recover damages in an amount adequate for the County to undertake any construction or other activity necessary to bring about compliance with a requirement established by or adopted by the Commissioners Court under these Regulations.

Section 10.3 Enforcement of Plat Notes

The enforcement of plat notes or restrictions is generally the responsibility of the developer and other persons holding property interest, whether in fee simple or by easement, in the subdivision.

Section 10.4 Conflict of Interest

No member of the Commissioners Court shall participate in the decisions regarding a subdivision plat for property in which the person holds a “substantial interest” as that term is defined in Section 232.0048(b) and (c), Local Government Code. If a member of the Commissioners Court has a substantial interest in a subdivided tract, the Commissioner shall file, before a vote or decision regarding the approval of a plat for a tract, an affidavit stating the nature and extent of the interest and shall abstain from further participation in the matter. Such affidavit must be filed with the County Clerk in accordance with Section 232.0048(d), Local Government Code.

Section 10.5 Severability

In the event any article, appendix, section, paragraph, sentence, clause or phrase of these Regulations shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction for any reason, such declaration shall not affect any remaining part of these Regulations. It is the express intent of the McLennan County Commissioners Court that the articles, appendices, sections, paragraphs, sentences, clauses or phrases of these Regulations be severable.

Section 10.6 Amendment to Regulations

The Commissioners Court may amend this order from time to time and may adopt new orders by vote of simple majority.

Section 10.7 Appeal

In any instance under this Order where a decision is made by the County Engineer in the plat approval or road acceptance process, that decision may be appealed to the Commissioners Court where the applicant believes the decision to be

improper, outside of the scope of this Order, or contrary to this Order or existing law. The appeal shall be requested in writing to the County Judge no later than five (5) business days after the decision of which the applicant complains. The Commissioners Court will take up the matter within twenty (20) days.

Section 10.8 Reconsideration

An applicant may request that the Commissioners Court reconsider a decision on an application if the applicant believes the decision to be improper, based on matters outside the scope of this Order, or contrary to this Order or existing law. The request must be made to the County Judge in writing within five (5) business days of the decision complained of by the applicant. The applicant may present to the Commissioners Court additional information in support of its position. The Commissioners Court will take up the matter within twenty (20) business days.

DRAFT

AND IT IS SO ORDERED:

PASSED AND APPROVED BY THE McLENNAN COUNTY COMMISSIONERS COURT
THIS _____ DAY OF _____, 2002.

JIM LEWIS
McLennan County Judge

ATTEST:

Deputy County Clerk for and on
Behalf of J.A. "Andy" Harwell,
McLennan County Clerk

APPENDIX A

Subdivision Application Form

Plat Application/Review Fees

Plat Review Checklists

DRAFT

SUBDIVISION APPLICATION FORM
McLennan County, Texas



Please Type or Print Information

This form shall be completed by the Property Owner or Applicant and submitted to the County Engineer's Office along with the required number of copies of the respective plat, review fee and all other required information.

Type of Plat Submittal: _____ Preliminary Plat _____ Final Plat _____ Replat/Amendment

Proposed Name of Subdivision: _____

Applicant/Property Owner's Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone No.: _____ Fax Number: _____

Surveyor/Engineer's Name: _____

Company: _____

Address: _____

City: _____ State: _____ Zip: _____

Telephone No.: _____ Fax Number: _____

Total Acreage of Development: _____ Total Number of Lots: _____

Physical Location of Property: _____

Legal Description of Property: _____

Intended Use of Lots (*check all those that apply*):

_____ Residential (single family) _____ Residential (multi-family) _____ Commercial/Industrial

_____ Other _____
(*please specify*)

Property Located Within City ETJ:

_____ Yes _____ No If Yes, Name of City: _____

Water Supply: _____ Electric Service: _____

Telephone Service: _____ Cable TV Service: _____

Sewage Disposal: _____ Gas Service: _____

Note: *The submission of plans/drawings, calculations, etc., along with this application makes such items public record, and the Applicant understands that they may be viewed and/or reproduced (copied) by the general public.*

(County Staff Use Only)

Application Received By: _____ Date Received: _____

Fee Paid (amount): \$ _____ Check #: _____ County Receipt #: _____

PLAT APPLICATION/REVIEW FEES
McLennan County, Texas

<u>Preliminary Plat:</u>	\$100, plus \$10 per lot
<u>Final Plat, with an approved preliminary plat:</u>	\$50, plus \$5 per lot
<u>Final Plat:</u>	\$100, plus \$10 per lot
<u>Replat/Amended Plat:</u>	\$50, plus \$25 per affected lot
<u>Variance Request:</u>	\$100 per request
<u>Plat Re-review:</u>	1/2 of original submittal fee per occurrence*
	* a one time re-review will be allowed prior to assessing this fee

Note: *If a takings impact assessment (TIA) is required or requested, then an additional \$200 TIA fee shall be required and paid at the time of the plat application.*

The following forms of payment, made payable to **McLennan County** in the **exact amount only**, will be accepted:

- Personal Check (with Texas drivers license number)
- Business/Corporate Check
- Cashier's Check
- Money Order

Please note that cash will not be accepted.

PRELIMINARY PLAT REVIEW CHECKLIST FOR McLENNAN COUNTY

Name of Addition: _____

GENERAL

- _____ 1. The Plat Title should read as follows “ _____
_____ ”
- _____ 2. The plat shall state the name and address of the owner (applicant) and/or developer and be signed and notarized.
- _____ 3. The plat shall state the name and address of the surveyor and/or engineer and be signed, sealed, and dated.
- _____ 4. Indicate the total acreage and legal description of the subdivision.
- _____ 5. Provide a small scale map on the plat indicating the location of the subdivision in relation to other subdivisions major roads, towns, cities and/or topographical features.
- _____ 6. Indicate the distance to the nearest road intersection.
- _____ 7. Provide the names of the adjacent property owners and/or subdivisions and the vol./page/instrument number deed reference.
- _____ 8. Provide a monument legend.
- _____ 9. Provide North arrow and scale (both graphical and written).
- _____ 10. Indicate which school district(s) the subdivision is located in.
- _____ 11. Add a notation that the plat is for inspection purposes only.
- _____ 12. Indicate the proposed phases of development.
- _____ 13. Indicate any lots proposed for parks, squares, greenbelts, schools or other public use facilities.
- _____ 14. After all County reviews and requirements have been satisfied, provide a minimum of one (1) 18” x 24” original plat (i.e., paper copy with all original signatures) and one (1) 8 ½” x 11” reduced copy.

STATEMENTS

- _____ 1. Provide a statement on the plat that all On Site Septic Systems are to comply with the requirements of the Waco-McLennan County Health District and **signature** of the designated representative.
- _____ 2. Add a statement indicating approval by Commissioners Court and a signature line for the County Judge.
- _____ 3. For a private road be sure to include the phrase: “...as recorded in Vol.____ Page_____ (instrument number) of the Official Public Records of McLennan County.”

PROPERTY TRACTS

- _____ 1. Indicate the total number of lots within the subdivision along with the minimum, average and maximum acreage of lots.
- _____ 2. Provide the acreage and dimensions of each lot.
- _____ 3. The property boundary needs distances and bearings.
- _____ 4. Parcels shall be assigned a lot and block number or labeled as residue tracts.

- _____ 5. Provide recording data (owner's name, vol./page deed reference/instrument number) on lots that have already been conveyed.

ROAD AND RIGHT-OF-WAY INFORMATION

- _____ 1. Provide the name, location, length and right-of-way widths of all proposed road and existing roads. Provide written confirmation by 911 for proposed road name(s).
- _____ 2. Show the edges of the roadway as ingress-egress-utility-drainage easements at the front of the lots if ownership is to the centerline of the road.
- _____ 3. Show the location, size and proposed use of all proposed access easements, or shared access driveways.

DRAINAGE

- _____ 1. Provide contours (minimum ten (10) foot intervals) or as required.
- _____ 2. Show all existing drainage facilities, ditches, culverts, bridges and all creeks, streams, rivers, ponds, lakes, stock tanks and other surface water features.
- _____ 3. Indicate the location and size of all proposed drainage structures.
- _____ 4. Provide a copy of a sealed engineered drainage study showing derivation of drainage structure/culvert sizing and appurtenances.
- _____ 5. Show any drainage easements required by the drainage study.

FLOODPLAIN

- _____ 1. Show the 100 year floodplain, regulatory floodway (if applicable) and base flood elevations or state that none of the subdivision lies within the 100 year floodplain. Include the FIRM community-panel number.
- _____ 2. Show the limits of the floodplain within a dedicated drainage easement.
- _____ 3. Include the following statement:
"All development within the 100-year floodplain shall comply with all applicable orders and regulations, including but not limited to McLennan County's "Flood Damage Prevention Order." A floodplain development permit shall be obtained from the County Engineer's Office prior to the construction of any structure(s) within the floodplain."
- _____ 4. Provide a benchmark showing NGVD 29 elevation, with latitude and longitude coordinates.
- _____ 5. Additional contours required for lots located within the floodplain to clearly identify and delineate the limits of the floodplain and regulatory floodway (if applicable).
- _____ 6. Indicate minimum required finish floor elevations for each lot located within the floodplain.

UTILITIES

- _____ 1. Identify water supply provider, the source of the water intended to serve the subdivision and indicate the CCN number.
- _____ 2. If groundwater is water source, provide required certification by a registered engineer.
- _____ 3. Identify all utility providers on the plat.
- _____ 4. Provide on-site sewage facility study information.
- _____ 5. Indicate location of all existing and proposed public and private water wells and show required sanitary easement.

FINAL PLAT REVIEW CHECKLIST FOR McLENNAN COUNTY

Name of Addition: _____

GENERAL

- _____ 1. The Plat Title should read as follows “ _____
_____ ”
- _____ 2. The plat shall state the name and address of the owner (applicant) and/or developer and be signed and notarized.
- _____ 3. The plat shall state the name and address of the surveyor and/or engineer and be signed, sealed, and dated.
- _____ 4. Indicate the total acreage and legal description of the subdivision.
- _____ 5. Provide a small scale map on the plat indicating the location of the subdivision in relation to other subdivisions major roads, towns, cities and/or topographical features.
- _____ 6. Indicate the distance to the nearest road intersection.
- _____ 7. Provide the names of the adjacent property owners and/or subdivisions and the vol./page/instrument number deed reference.
- _____ 8. Provide a monument legend.
- _____ 9. Provide North arrow and scale (both graphical and written).
- _____ 10. Indicate which school district(s) the subdivision is located in.
- _____ 11. Submit electronic media in “dwg” or “dgn” file format or \$75.00 digitizing fee.
- _____ 12. Provide original tax certificate.
- _____ 13. Indicate any lots proposed for parks, squares, greenbelts, schools or other public use facilities.
- _____ 14. After all County reviews and requirements have been satisfied, provide one (1) 18” x 24” original **mylar** plat (with all original signatures), a minimum of two (2) paper copies and one (1) 8 ½” x 11” reduced copy.

STATEMENTS

- _____ 1. Provide a statement on the plat that all On Site Septic Systems are to comply with the requirements of the Waco-McLennan County Health District and **signature** of the designated representative.
- _____ 2. Add a statement indicating approval by Commissioners Court and a signature line for the County Judge.
- _____ 3. For a private road be sure to include the phrase: “...as recorded in Vol.____ Page_____ (instrument number) of the Official Public Records of McLennan County.”

PROPERTY TRACTS

- _____ 1. Indicate the total number of lots within the subdivision along with the minimum, average and maximum acreage of lots.
- _____ 2. Provide the acreage and dimensions (bearing and distances) of all lots, parks, greenbelts, rights-of-way, easements and reserve tracts.
- _____ 3. The property boundary needs distances and bearings.
- _____ 4. Parcels shall be assigned a lot and block number or labeled as residue tracts.

- _____ 5. Provide recording data (owner's name, vol./page deed reference/instrument number) on lots that have already been conveyed.

ROAD AND RIGHT-OF-WAY INFORMATION

- _____ 1. Provide the name, location, length and right-of-way widths of all proposed road and existing roads. Provide written confirmation by 911 for proposed road name(s).
- _____ 2. Show the edges of the roadway as ingress-egress-utility-drainage easements at the front of the lots if ownership is to the centerline of the road.
- _____ 3. Show the location, size and proposed use of all proposed access easements, or shared access driveways.

DRAINAGE

- _____ 1. Show all existing drainage facilities, ditches, culverts, bridges and all creeks, streams, rivers, ponds, lakes, stock tanks and other surface water features.
- _____ 2. Provide a copy of a sealed engineered drainage study showing derivation of drainage structure/culvert sizing and appurtenances.
- _____ 3. Show any drainage easements required by the drainage study.

FLOODPLAIN

- _____ 1. Show the 100 year floodplain, regulatory floodway (if applicable) and base flood elevations or state that none of the subdivision lies within the 100 year floodplain. Include the FIRM community-panel number.
- _____ 2. Show the limits of the floodplain within a dedicated drainage easement.
- _____ 3. Include the following statement:
"All development within the 100-year floodplain shall comply with all applicable orders and regulations, including but not limited to McLennan County's "Flood Damage Prevention Order." A floodplain development permit shall be obtained from the County Engineer's Office prior to the construction of any structure(s) within the floodplain."
- _____ 4. Provide a benchmark showing NGVD 29 elevation, with latitude and longitude coordinates.
- _____ 5. Indicate minimum required finish floor elevations for each lot located within the floodplain.

UTILITIES

- _____ 1. Identify water supply provider, the source of the water intended to serve the subdivision and indicate the CCN number.
- _____ 2. If groundwater is water source, provide required certification by a registered engineer.
- _____ 3. Identify all utility providers on the plat.
- _____ 4. Provide on-site sewage facility study information.
- _____ 5. Indicate location of all existing and proposed public and private water wells and show required sanitary easement.
- _____ 6. Provide recording information on all existing utility easements.

All required fees and information, including design calculations and construction plans, shall be received and approved by the County Engineer's office prior to submittal of the Final Plat to the Commissioners Court for consideration.

APPENDIX B

Plat Language and Certifications

DRAFT

PLAT LANGUAGE AND CERTIFICATIONS

McLennan County, Texas

The following are examples of general plat language and certifications that may apply partly or wholly to a particular subdivision. This appendix, however, is not all inclusive and additional and/or revised language and/or certifications may be required based on individual circumstances, as determined by the County Engineer.

Individual Property Owner(s) Certification (except plats for private street subdivisions):

THE STATE OF TEXAS §
COUNTY OF McLENNAN §

That I (We), _____, being the owner(s) of the property described above and wishing to subdivide same into lot(s) and block(s), do hereby adopt this plat attached hereto and titled “_____ to McLennan County, Texas” as my (our) legal subdivision of same and do hereby dedicate all rights-of-way and/or easements shown hereon to the use of the public forever. Any private improvements placed in said rights-of-way and/or easements shall be placed at no risk or obligation to the public and McLennan County and the County shall have no responsibility to repair or replace such improvements if they are damaged or destroyed in the utilization of these rights-of-way and/or easements. The sale of the lot(s) shown on this plat shall be made therewith subject to the restrictions and conditions recorded in the Texas Real Property Records of McLennan County pertaining to said subdivision.

(signature)

Printed Name of Property Owner(s)
Mailing Address
City, State and Zip Code

THE STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, 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 he (she) executed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 20__.

Notary Public In And For The State of Texas

My Commission Expires On: _____

Corporation or Partnership Certification (except plats for private street subdivisions):

THE STATE OF TEXAS §
COUNTY OF McLENNAN §

That I (we) _____ of _____ (name of corporation/partnership) _____, acting herein by and through its duly authorized officers and being the owner(s) of the property described above and wishing to subdivide same into lot(s) and block(s), do hereby adopt this plat attached hereto and titled “_____ to McLennan County, Texas” as our legal subdivision of same and do hereby dedicate all rights-of-way and/or easements shown hereon to the use of the public forever. Any private improvements placed in said rights-of-way and/or easements shall be placed at no risk or obligation to the public and McLennan County and the County shall have no responsibility to repair or replace such improvements if they are damaged or destroyed in the utilization of these rights-of-way and/or easements. The sale of the lot(s) shown on this plat shall be made therewith subject to the restrictions and conditions recorded in the Texas Real Property Records of McLennan County pertaining to said subdivision.

Name of Corporation

_____ (signature)

Printed Name of Authorized Representative/Partner

Title

Mailing Address

City, State and Zip Code

STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, 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 he (she) executed the same for the purpose and consideration therein expressed, in his (her) capacity as _____ of _____, a Texas corporation (limited partnership), on behalf of said corporation (partnership).

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 20__.

Notary Public In And For The State of Texas

My Commission Expires On: _____

Corporation or Partnership Certification (for plats with private street subdivisions):

THE STATE OF TEXAS §
COUNTY OF McLENNAN §

That I (we) _____ of _____ (name of corporation/partnership), acting herein by and through its duly authorized officers and being the owner(s) of the property described above and wishing to subdivide same into lot(s) and block(s), do hereby adopt this plat attached hereto and titled “_____ to McLennan County, Texas” as our legal subdivision of same and do hereby dedicate all rights-of-way and/or easements shown hereon for the use, benefit and accommodation of the County for any purpose related to the exercise of a governmental service or function, including, but not limited to emergency vehicle access, inspection services and code enforcement and for the mutual benefit, use and accommodation of all public utility entities. All streets show hereon are private streets and are not dedicated for use as public streets or rights-of-way, and the public shall have no right to use any portion of such private streets. The sale of the lot(s) shown on this plat shall be made therewith subject to the restrictions and conditions recorded in the Texas Real Property Records of McLennan County pertaining to said subdivision.

Name of Corporation

(signature)
Printed Name of Authorized Representative/Partner
Title
Mailing Address
City, State and Zip Code

STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, 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 he (she) executed the same for the purpose and consideration therein expressed, in his (her) capacity as _____ of _____, a Texas corporation (limited partnership), on behalf of said corporation (partnership).

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 20__.

Notary Public In And For The State of Texas

My Commission Expires On: _____

Deed of Trust (Lien) Holder Acknowledgement:

The Deed of Trust (Lien) Holder signed below hereby acknowledges that they have reviewed the subdivision of the property described in the above dedication and are familiar with the effect of this subdivision on property on which they hold a deed of trust (lien). Those signing below hereby concur in and join in the dedication of the property described in the above dedication.

Name of Deed of Trust (Lien) Holder:

_____ Mailing Address

_____ City, State and Zip Code

By: _____
Printed Name of Authorized Official

Title: _____

Property on which you hold a Deed of Trust (Lien):

“ _____ to McLennan County, Texas”

STATE OF _____ §
COUNTY OF _____ §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of _____, 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 he (she) executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this ____ day of _____, 20__.

Notary Public In And For The State of _____

My Commission Expires On: _____

McLennan County Commissioners Court Certification:

I hereby certify that the attached and foregoing plat and field notes of “_____, to McLennan County, Texas” was approved by the McLennan County Commissioners Court on this the ____ day of _____, 20____, such approval not to be construed as an obligation on the part of the County for the construction and/or maintenance of any road(s) or other improvements shown thereon.

McLennan County Commissioners’ Court

By: _____
(County Judge’s Name)
McLennan County Judge

On-Site Sewage Certifications:

The following applies for subdivisions having a suitability report:

The following statement certifies that an engineering suitability report prepared by _____, on the ____ day of _____, 20____, has been submitted and accepted for this subdivision plat. Individual on-site sewage facility designs must be submitted for approval for each lot and built to Texas Natural Resource Conservation Commission (TNRCC) regulations prior to occupation of the residence. This subdivision plat approved and accepted by City of Waco Environmental Services for the Waco-McLennan County Health District on this the ____ day of _____, 20____.

Waco-McLennan County Health District

By: _____
(Printed Name of Official)
Title

The following applies for subdivisions not having a suitability report:

Individual on-site sewage facility designs must be submitted for approval for each lot and built to Texas Natural Resource Conservation Commission (TNRCC) regulations prior to occupation of the residence. This subdivision plat approved and accepted by City of Waco Environmental Services for the Waco-McLennan County Health District on this the ____ day of _____, 20____.

Waco-McLennan County Health District

By: _____
(Printed Name of Official)
Title

The following applies for subdivisions with lots containing existing on-site sewage facilities:

The following statement acknowledges that individual on-site sewage facilities currently exist on Lots _____, Block ___ shown on this plat. Individual on-site sewage facility designs must be submitted for approval for each vacant lot and built to Texas Natural Resource Conservation Commission (TNRCC) regulations prior to occupation of the residence. This subdivision plat approved and accepted by City of Waco Environmental Services for the Waco-McLennan County Health District on this the ____ day of _____, 20__.

Waco-McLennan County Health District

By: _____
(Printed Name of Official)
Title

Floodplain [and Floodway] Language:

The following applies for subdivisions located wholly or partially within a floodplain [and floodway]:

Lot(s) _____, Block(s) _____, as shown on this plat, are wholly or partially located within the 100-year floodplain [and regulatory floodway]. [The floodway area(s) depicted on this plat is (are) hereby dedicated to the public for use forever for drainage and floodway purposes. McLennan County is not responsible for the construction and maintenance of facilities within this (these) drainage easement(s).] The drainage channels and creeks, as in the case of all natural channels, are subject to stormwater overflow and natural bank erosion to an extent that cannot be definitely defined. In accordance with County requirements, all development within the 100-year floodplain shall comply with all applicable orders and regulations, including but not limited to McLennan County's "Flood Damage Prevention Order". A floodplain development permit shall be obtained from the County Engineer's Office prior to the construction/placement of any structure(s) within the floodplain.

Shared Access Driveway Language:

Lot(s) _____, Block(s) _____, as shown on this plat, have shared use of an access driveway. Each of these lots shall hold equal, indivisible, irrevocable and unrestricted rights in the driveway, which rights shall be established by a recorded easement and the easement shall run with the land of each of these benefited lots. This easement instrument shall clearly state each lots pro rata responsibility with respect to future maintenance and/or repairs of the shared access driveway.

APPENDIX C

Roadway Design and Construction Requirements

DRAFT

The seal of McLennan County, Texas, is a circular emblem. It features a central five-pointed star surrounded by a wreath of oak and cotton branches. The words "MCLENNAN COUNTY" are inscribed along the top inner edge, and "TEXAS" is inscribed along the bottom inner edge. The entire seal is rendered in a light gray, semi-transparent style.

**ROADWAY DESIGN
AND
CONSTRUCTION REQUIREMENTS**

McLennan County, Texas

ROADWAY DESIGN AND CONSTRUCTION REQUIREMENTS

McLennan County, Texas

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ROADWAY DESIGN AND CONSTRUCTION REQUIREMENTS

McLennan County, Texas

Article I

Purpose and Authority

Section 1.1 Purpose

These Roadway Design and Construction Requirements have been adopted to establish the minimum design and construction standards that owners or developers seeking to construct roadways must meet, whether such roads are to be deeded or dedicated to McLennan County for acceptance into the County road system for maintenance or such roads are to remain private. These Requirements have been prepared to promote the health, safety and general welfare of the citizens of McLennan County.

Section 1.2 Findings

The McLennan County Commissioners Court hereby makes the following findings:

- A. The Commissioners Court has the authority and obligation to exercise general control over the roads, highways, bridges and related drainage structures and development with McLennan County, and these Requirements are a necessary component of such obligations;
- B. The Commissioners Court has been granted authority and responsibility under the Federal Emergency Management Agency (FEMA), Chapter 16, Section 16.315, Water Code, to administer floodplain development regulations within McLennan County, and to regulate associated development;
- C. The Commissioners Court has the authority and obligation to protect the public health, safety and welfare of the citizens of McLennan County;
- D. The Commissioners Court has considered the potential burden upon landowners and taxpayers of substandard road construction; and,
- E. These Requirements are adopted to preserve and protect the resources, public health and private property interests of McLennan County.

Section 1.3 Order

The Commissioners Court of McLennan County, following public notice, investigation and hearing, has declared and hereby declares these Roadway Design and Construction Requirements to be necessary and appropriate to accomplish the purposes and goals stated above. These Requirements have been adopted by order of the McLennan County Commissioners Court to help ensure

that new roadway design and construction is in accordance with good and generally accepted engineering practices.

Section 1.4 Interpretation

In the interpretation and application of the provisions of these Requirements, it is the intention of the Commissioners Court that the principle, standards and requirements provided for herein shall be minimum requirements for the design and construction of roadways within McLennan County, and shall supersede the previous “Minimum Requirements for Roads to be Accepted into the McLennan County Road System” (approved on September 13, 1979) in their entirety.

Article II

Definitions

Section 2.1 Interpretation

For the purpose of these Requirements, the following terms, phrases, words and their derivations shall have the meaning given herein. Definitions not expressly prescribed herein are to be determined in accordance with customary usage in construction and engineering practice. The word “shall” is mandatory and the word “may” is permissive.

Arterial Street – A principle traffic artery, carrying higher volumes of traffic, more or less continuously, which is intended to connect remote parts of the area adjacent thereto and to act as a principle connecting street with state highways.

Collector Street – A street or road providing for travel between local streets and the arterial street network, or serving multi-family development or neighborhood centers or services such as schools, parks or fire stations.

Commissioners Court – The Commissioners Court of McLennan County.

County – McLennan County, Texas.

County Engineer – The County Engineer of McLennan County or their designated representative.

County Road – A roadway under the control and maintenance of the County.

County Road System – Public dedicated roads that have been accepted for County maintenance by specific approval action of the Commissioners Court.

Dedication – The appropriation of land, or an easement therein, by an owner, for the use of the public and accepted for such use by or on the behalf of the public.

Easement – The word “easement” shall mean an area for restricted use on private property upon which a public utility/entity shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growth which may in any way endanger or interfere with the construction, maintenance and/or efficiency of its respective systems on or within any of these easements.

Engineer – A person licensed under the provisions of the Texas Engineering Registration Act to practice the profession of engineering.

Existing Roadways – Roadways that have been constructed and in place prior to the passage of this order.

Extraterritorial Jurisdiction (ETJ) – The unincorporated land area, not a part of any city, which is contiguous to the corporate limits, as defined in Local Government Code, Chapter 42.

FEMA – Federal Emergency Management Agency.

Final Acceptance – Formal acceptance by the McLennan County Commissioners Court.

Floodplain – That area subject to inundation by flood, having a one percent probability of occurrence in any given year (100-year flood), based on existing conditions of development within the watershed area, as shown on the Flood Insurance Rate Maps (FIRM) provided by FEMA.

Grade – The horizontal elevation of a finished surface of the ground or paving at a point where height is to be measured or the degree of inclination of a surface.

Local Street – A street or road which is intended primarily to serve traffic within a neighborhood or limited residential area and which is not continuous through several residential areas.

Minimum Requirements – Minimum acceptable requirements; such requirements may be increased by the County Engineer due to circumstances pertaining to each unique roadway.

Precinct Commissioner - McLennan County Commissioner in whose precinct the roadway is located.

Private Road – A residential road that is typically owned and/or maintained by an entity other than the County and that is generally intended to serve residents located thereon but not the public at large.

Public Road – A public right-of-way, however designated, dedicated, or acquired which provides vehicular access to adjacent properties.

Requirements - McLennan County Roadway Design and Construction Requirements, as may be amended.

Residential Collector Street – A street or road collecting traffic from local streets of a residential nature and leading to streets of a higher type of classification.

Right-of-Way – A parcel of land that is occupied or intended to be occupied, by a road or alley. Where appropriate, “right-of-way” may include other facilities and/or utilities such as sidewalks; railroad crossings; electrical, telecommunication, oil, gas, water, sanitary sewer and/or storm sewer facilities. The term “right-of-way” shall also include parkways and medians which are located outside of the actual pavement.

Street (or Road) – A right-of-way (or easement), whether public or private and however designated, which provides vehicular access to adjacent land.

Street (or Road) Right-of-Way – The distance between property lines measured at right angles to the centerline of the street.

Substandard Street (or Road) – A street which does not meet the minimum County road standards (as contained within these requirements).

Surveyor – A person licensed under the provisions of the Texas Professional Land Surveying Practices Act to practice the profession of surveying.

Article III

Existing Gravel Roads

Section 3.1 Acceptance of Existing Gravel Roads

- A. Existing gravel roadways that are not a part of the County road system but are used by the public for access to existing property tracts or as a thoroughfare, may be considered for acceptance into the County road system by the Commissioners Court for minor routine maintenance (e.g., minor blading and placement of gravel, dust control, etc.). In order for the road to be considered for acceptance into the County road system, a written request must be submitted to the County Engineer and must contain the signature of each property owner who has a legal interest or holds fee title to the road or whose property abuts the road. Such requests will be considered on a case by case basis, however, prior to submitting

the request, the Precinct Commissioner should be consulted by the owner(s).

- B. Prior to acceptance by the Commissioners Court, the owner or owners shall deed or dedicate the associated right(s)-of-way to McLennan County, as trustee for the public, by separate instrument. Such instrument shall be recorded with the County Clerk. The minimum right-of-way width shall be 50 feet or as required by the County Engineer, based upon site specific conditions.
- C. Upon acceptance of the roadway by the Commissioners Court, the roadway will be taken into the County road system as a gravel road and shall remain a gravel road at the discretion of the Precinct Commissioner or until payment for paving is submitted by the owner(s) and agreed to the Precinct Commissioner.
- D. Upon approval of such a request, the County Engineer will prepare a cost estimate for paving the road and any other required improvements and will submit the estimate to the owner(s) for full payment. Full payment must be received by the County Engineer's office prior to paving of the road. Once payment is received, the work will be scheduled at the earliest and most appropriate time by the Precinct Commissioner.
- E. The adjacent property owners may employ a private contractor to pave the road in accordance with County specifications.

Article IV

New Roadway Design and Construction

Section 4.1 General Requirements

All new roads must meet these road requirements, unless otherwise directed by the County Engineer.

- A. All roadways are to be constructed according to specifications found in the current version of the Texas Department of Transportation (TxDOT) Manual "*Standard Specifications for Construction of Highways, Streets, and Bridges,*" unless otherwise stated in these Requirements.
- B. All roads built within the extraterritorial jurisdiction (ETJ) of an incorporated municipality shall conform to the construction requirements of the municipality as they apply to their respective ETJ. In no case, however, shall standards less stringent than required herein in any respect be acceptable to the Commissioners Court.

- C. All roadways shall have a minimum right-of-way width as specified in Section 4.3.
- D. The paved portion of the roadway shall be no less than 22 feet in width.
- E. Cul-de-sacs shall have a radius of 60 feet and a minimum paved radius of 45 feet.
- F. The entire right-of-way must have a neat and finished appearance, free of obstructions and be neatly mowed, if required. The paved portion of the road shall be clear of all vegetation at the time of acceptance by the County.
- G. The roadway shall be neatly shaped and crowned to provide for proper drainage and to prevent ponding of water on the roadway.
- H. The finished surface of the road shall be such that it will furnish a safe and comfortable ride at speeds up to forty (40) miles per hour.
- I. In general, curves shall have a minimum radius of 125 feet and sight distance shall not be less than 300 feet.
- J. Roads shall connect with existing roads, new roads, or future roads to form "T" intersections. Acute angles between roads at their intersections shall be avoided.
- K. No dead end roads will be permitted without a cul-de-sac, unless in the opinion of the County Engineer, one is not warranted due to site specific conditions. If the extension of a road is planned in the future as indicated on a preliminary plat, a temporary turnaround shall be constructed, either within a dedicated easement or within the existing right-of-way.
- L. The total costs for all engineering design, plans, specifications, laboratory tests, reports, materials, labor, equipment, and any incidental costs incurred to satisfy these requirements shall be borne solely by the owner or developer. All required information shall be furnished to the County Engineer for review and approval.

Section 4.2 Construction Plan Requirements

- A. The owner or developer shall submit construction plans for the roadway to the County Engineer for review, including roadway layout and design, drainage improvements, traffic signage and utility placement. These plans are to be approved by the County Engineer prior to placement of the gravel base.

- B. Prior to the start of construction, a pre-construction meeting should be scheduled by the owner or developer. The design engineer, owner/developer, contractor, subcontractors, and County Engineer should attend this meeting.
- C. Upon approval of the construction plans, the owner or developer shall provide the County Engineer's office with a tentative construction schedule and inform the office prior to each phase of construction completion (i.e., subgrade, culvert placement, base placement, wearing surface, etc.) in order that an inspection can be made prior to the beginning of the next phase of construction.
- D. Once the roadway has been completed and the County Engineer has approved the construction, the owner or developer shall provide the County Engineer with a set of "As Built" plans that depict the roadway as it was actually built.

Section 4.3 Right-of-Way and Road Widths

- A. Arterial streets shall have a minimum right-of-way width of not less than sixty (60) feet if curbed, and a minimum paved width of forty (40) feet, face to face of curbs. If the street is to be of the open ditch type, it shall have a minimum right-of-way width of eighty (80) feet and a minimum paved width of thirty-six (36) feet.
- B. All other streets or roads shall have a minimum right-of-way width of not less than fifty (50) feet if curbed and a minimum paved width of thirty (30) feet, face to face of curbs. If the street or road is to be of the open ditch type, it shall have a minimum right-of-way width of fifty (50) feet and a minimum paved width of twenty-two (22) feet.

Section 4.4 Roadway Construction Requirements

- A. Subgrade:
 - (1) Prior to subgrade preparation, soil samples shall be taken along the proposed roadway at a frequency of one (1) sample per 1,000 linear feet of road, with a minimum of one (1) sample per road. Using these samples, a soils report shall be prepared and submitted to the County Engineer for review. Based on the soils report, if the plasticity index (PI) of the subgrade is greater than 20, lime, cement, or an approved asphalt based stabilizing agent shall be added in accordance with TxDOT specifications, to a minimum depth of six (6) inches, until the PI is less than 20. The subgrade shall be prepared and compacted to a minimum density of 95%

Standard Proctor density. In lieu of the above, other stabilization methods may be considered on a case by case basis.

- (2) The subgrade shall be tested by an Independent Testing Laboratory for PI, percent stabilization material (if used), and Standard Proctor density. The frequency of compaction tests shall be one (1) test per 1,000 linear feet of road, with a minimum of one (1) test per road.
- (3) Copies of the test results shall be furnished to the County Engineer prior to the placement of base material.

B. Base Material:

- (1) Base material shall only be placed on subgrade that has been properly prepared and approved by the County Engineer. All roads shall have a minimum compacted depth of six (6) inches of base material or as required by the County Engineer.
- (2) Base material shall conform to TxDOT Item 247, "Flexible Base", and, at a minimum, shall meet the requirements for Type B material, with a maximum PI of 15. The owner or developer shall submit to the County Engineer acceptable evidence in the form of valid test reports that the base material meets or exceeds the above requirements. The base shall be prepared and compacted to a minimum density of 95% Standard Proctor density.
- (3) The base shall be tested by an Independent Testing Laboratory for Standard Proctor density and depth. The frequency of these tests shall be one (1) test per 1,000 linear feet of road, with a minimum of one (1) test per road.
- (4) Copies of the test results shall be furnished to the County Engineer prior to the placement of the wearing surface.

C. Wearing Surface:

- (1) The wearing surface shall only be placed on base material that has been properly prepared and approved by the County Engineer. All new roads shall be constructed with one of the following types of wearing surfaces unless otherwise approved by the County Engineer:
 - (a) 1-1/2 inches (minimum compacted depth), Type D, Hot Mix Asphaltic Concrete (HMAC)
 - (b) Two course surface treatment (chip seal paving)
 - (c) Concrete pavement
- (2) The HMAC material and construction methods shall meet the requirements of TxDOT Item 340, "Hot Mix Asphaltic Concrete Pavement." A copy of the mix design shall be submitted to the

County Engineer prior to placement of the material. The owner or developer shall submit to the County Engineer acceptable evidence in the form of valid test reports that the HMAC material meets or exceeds the above requirements.

- (3) The two course surface treatment shall meet the requirements of TxDOT Item 316, "Surface Treatments." The asphaltic materials shall include both a prime coat of either an emulsified or medium curing asphalt and surface coats of rapid setting asphalt in accordance with TxDOT Item 300, "Asphalts, Oils and Emulsions." The types and quantities of asphalt to be applied shall be in accordance with generally accepted road construction practices or as directed by the County Engineer. The aggregates for surface treatment shall meet TxDOT Item 302, "Aggregates for Surface Treatments," Type A or Pa, Grade 4 (first course) and Grade 5 (second course). The owner or developer shall submit to the County Engineer a copy of the gradation test results prior to the application of the materials.
- (4) Concrete pavement shall be considered by the County Engineer on a case by case basis.

Section 4.5 Roadway Drainage

- A. Drainage ditches shall be constructed on level sides or on the uphill side of the roadway. These ditches shall be adequate to intercept and convey water away from the roadway.
- B. Cross drains shall be provided at each low point along the ditch in the form of concrete, corrugated metal, or approved plastic drainage pipes in accordance with McLennan County's "Culvert Setting Policy" order, duly adopted by Commissioners Court. These cross drains shall be of adequate size to handle and convey the stormwater runoff under the road satisfactorily; however, in no case shall a cross drain be less than 18 inches in diameter (inside dimension).
- C. All drainage structures and appurtenances shall be designed and sized by a professional Engineer to convey the runoff from a 25-year storm event. Drainage calculations should be based on the "rational method" or other method approved by the County Engineer. All appropriate calculations showing runoff and capacity quantities shall be provided for all drainage areas and structures, including design flow, velocity, depth of pipe flow and headwater depth. Calculations shall be submitted with the construction plans for review.

- D. To prevent erosion, the sides of drainage ditches shall be sloped and the banks shall be permanently protected with either concrete, sod, or other acceptable erosion control device.
- E. Roads constructed in areas of frequent flooding or within the floodplain will not be considered for acceptance unless prior authorization is given by the County Engineer.

Section 4.6 Utility Lines and Underground Facilities

- A. No road surface or pavement shall be constructed until all planned underground facilities affecting the roads have been installed and properly backfilled.
- B. Underground and overhead utility lines should be placed in easements that lie outside the dedicated right-of-way. When underground lines are placed in the right-of-way, they must be buried with at least 24 inches of cover and must be within three (3) feet of the right-of-way limits. Overhead lines and poles should also be located within three (3) feet of the right-of-way limits.
- C. Utility lines and poles shall not be placed in the bottom of ditches or in the roadway shoulder. No underground lines shall be placed in the roadway, unless approved by the County Engineer. Underground lines crossing roads must be no nearer than 24 inches to the surface at any point, including the bottom of ditches and shall be encased.

Section 4.7 Road Names and Signage

- A. All new or existing unnamed road shall be named, with prior approval being received from the McLennan County 911 Emergency Assistance District office.
- B. All signs, including road name signs, regulatory signs (e.g., stop and yield), warning signs, and informational signs, shall be installed by the owner or developer, as required by the County Engineer. All traffic control signs and devices shall be installed in accordance with the most current version of the “*Texas Manual on Uniform Traffic Control Devices.*”

Article V

Final Inspection and County Acceptance

Section 5.1 Final Roadway Inspection

- A. Upon completion of all roadway construction, the owner or developer shall request a final inspection by the County Engineer. Upon inspection, the owner or developer will be notified in writing of any work not found in compliance or of the project's conformance with these Requirements.
- B. After final inspection and upon notice of conformance with County requirements, the road shall remain in place for one (1) year following the written notice of conformance. After this time, the owner or developer should request in writing that the roadway be reinspected by the County Engineer.
- C. Based upon this inspection and the approval of the Precinct Commissioner, if it is determined that little or no maintenance or repairs are needed to the road, the owner or developer will be notified in writing that the roadway complies with these Requirements.

Section 5.2 County Acceptance

Upon compliance with Section 5.1, the owner or developer shall submit the following items to the County Engineer's office for final acceptance by the Commissioners Court:

- A. A letter indicating that the road(s) was constructed in conformance with these Requirements and requesting that the road(s) be accepted into the County Road System for maintenance.
- B. A fee simple deed or dedication of the associated right(s)-of-way to McLennan County, as trustee for the public, by separate instrument, if not previously done by a subdivision plat. Such instrument shall be recorded with the County Clerk.
- C. A copy of the "As-Built" plans as prepared by a registered surveyor or engineer, as directed by the County Engineer.

Section 5.3 Implementation

This document amends and supercedes the "Minimum Requirements for Roads to be Accepted into the McLennan County Road System" order that was approved by the Commissioners Court on September 13, 1979 and shall become effective from and after its date of approval as required by law, for all projects except those projects that have received approval by the Commissioners Court prior to the approval date of these Requirements.

Section 5.4 Severability

In the event any article, appendix, section, paragraph, sentence, clause or phrase of these Requirements shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction for any reason, such declaration shall not affect any remaining part of these Requirements. It is the express intent of the McLennan County Commissioners Court that the articles, appendices, sections, paragraphs, sentences, clauses or phrases of these Regulations be severable.

Section 5.5 Amendment to Requirements

The Commissioners Court may amend this order from time to time and may adopt new orders by vote of simple majority.

AND IT IS SO ORDERED:

PASSED AND APPROVED BY THE McLENNAN COUNTY COMMISSIONERS COURT
THIS _____ DAY OF _____, 2002.

DRAFT

JIM LEWIS
McLennan County Judge

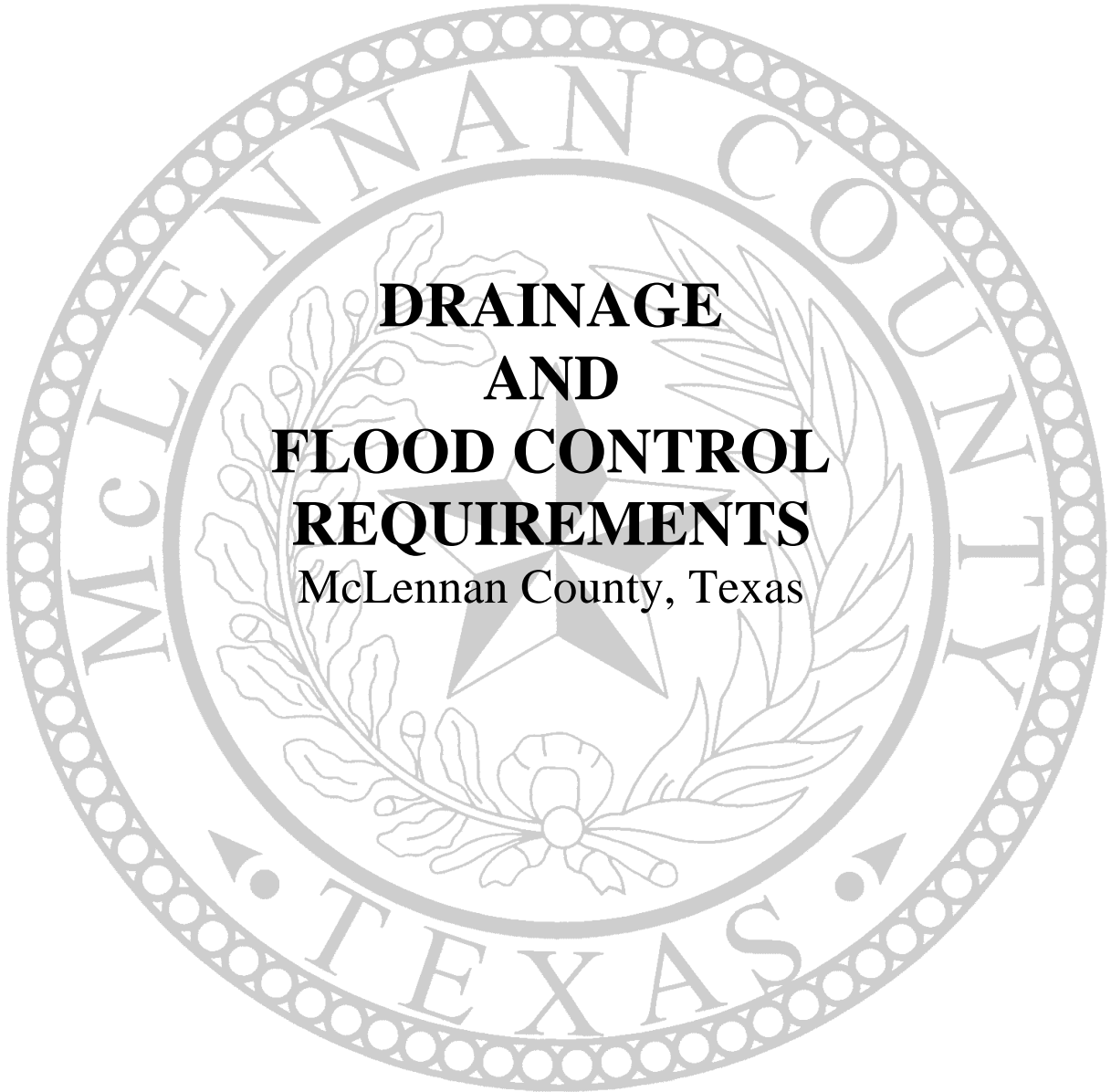
ATTEST:

Deputy County Clerk for and on
behalf of J.A. "Andy" Harwell,
McLennan County Clerk

APPENDIX D

Drainage and Flood Control Requirements

DRAFT



**DRAINAGE
AND
FLOOD CONTROL
REQUIREMENTS**
McLennan County, Texas

DRAINAGE AND FLOOD CONTROL REQUIREMENTS

McLennan County, Texas

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DRAINAGE AND FLOOD CONTROL REQUIREMENTS

McLennan County, Texas

Section 1.1 General Requirements

- A. No preliminary or final plat shall be approved unless stormwater drainage improvements and flood control measures have been provided for in accordance with the standards contained within the “Subdivision Regulations” for McLennan County, as may be amended from time to time.
- B. The property owner shall dedicate all drainage easements in accordance with the requirements contained within the “Subdivision Regulations” for McLennan County, as may be amended from time to time. Where the improvement or construction of a stormwater drainage facility is required along a property line common to two (2) or more owners, the subdivider shall be responsible for the required improvements at the time of development, including the dedication of all necessary rights-of-way or easements, to accommodate the improvements.
- C. The minimum drainage easement width shall be twenty (20) feet, unless directed otherwise by the County Engineer due to site specific conditions.
- D. Maintenance of drainage facilities outside of the rights-of-way of roads that have been accepted by the Commissioners Court, shall be the responsibility of the property owner or property owners association, if established.
- E. No development shall be permitted within the regulatory floodway. Development within the floodplain shall be in accordance with McLennan County’s “Flood Damage Prevention Order”, as may be amended from time to time.

Section 1.2 Stormwater Run-Off into County Drainage Facilities

Stormwater runoff from any development may not be released into any County drainage ditch, swale, easement, culvert or other facility, or into any such drainage facility associated with an existing road, whether public or private, at a rate greater than when the property was in an undeveloped state. In addition, the County Engineer may require detention of stormwater run-off being released into any County drainage ditch, swale, easement, culvert or other facility, or into any such drainage facility associated with an existing road, whether public or private, if existing downstream facilities are undersized or if downstream jurisdictions have detention requirements. If detention is required, the owner/developer or property owners association (if established) shall assume full responsibility for maintenance of the detention pond. This obligation shall run with the land and shall be a continuing obligation.

Section 1.3 Sizing of Drainage Facilities

All drainage facilities, including ditches, swales, drainage pipes, street curbs, gutter inlets, driveway/road culverts, and storm sewers, shall be designed to intercept and transport run-off from a 25-year storm event. Roadway drainage shall be in accordance with the requirements contained in the “Roadway Design and Construction Requirements” for McLennan County, as may be amended from time to time.

Section 1.4 Conveyance of 100-Year Storm Event

A. Lots located wholly or partially within the floodplain shall show on each lot the minimum required finished floor elevation, which shall not be less than one (1) foot above the base flood elevation, in accordance with McLennan County’s “Flood Damage Prevention Order.”

B. Subdivisions that are located wholly or partially within a flood zone as shown on the current FIRM for McLennan County shall be subject to the following additional requirements:

(1) A note shall be included on the plat stating the following: “All development within the 100-year floodplain shall comply with all applicable orders and regulations, including but not limited to McLennan County’s “Flood Damage Prevention Order.” A floodplain development permit shall be obtained from the County Engineer’s Office prior to the construction/placement of any structure(s) within the floodplain.”

(2) All proposed subdivisions shall be consistent with McLennan County’s “Flood Damage Prevention Order.”

Section 1.5 Completion of Drainage System Prior to Acceptance of Road

No streets will be accepted by the Commissioners Court until all drainage structures, including drain pipes for all driveways constructed as of the acceptance date, have been installed by the owner(s) or occupant(s) of the lot(s) and inspected and approved by the County Engineer.

Section 1.6 Drainage Design Methodology

All drainage structures and appurtenances shall be designed and sized by a professional engineer. Drainage calculations should be based on the “Rational Method” or other method approved by the County Engineer based upon commonly accepted engineering practices.

Section 1.7 Drainage Plan Requirements

A. The final drainage plans shall include all appropriate calculations depicting the anticipated flow of all drainage onto and from the proposed

subdivision and showing all major topographic features on or adjacent to the property, including, but not limited to, all water courses, 100-year floodplain boundaries, ravines, bridges and culverts. The drainage plan shall show how and where water will be collected, handled and routed within the subdivision and how and where it will be discharged to a recognized drainage way.

- B. The final drainage plans shall also include such off-site drainage improvements as are necessary to assure that the proper transition between on-site and off-site drainage can be maintained. The criteria for on-site drainage facilities shall also apply to off-site.
- C. Final drainage plans shall be sealed by a professional engineer who is licensed to practice in the State of Texas. The total costs for such engineering plans and specifications shall be borne by the owner or developer, and shall be furnished to the County Engineer for review and approval.

Section 1.8 Floodplain Management

- A. The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) on the Flood Insurance Rate Maps (FIRM), dated September 2, 1981, and Flood Hazard Boundary-Floodway Maps and any amendment or revisions thereto are hereby adopted by reference and declared to be a part of these Regulations. These maps are on file at the County Engineer's office.
- B. The County Engineer is responsible for administering and implementing the floodplain management portions of these Regulations, including appropriate sections of 44 Code of Federal Regulations (CFR) (National Flood Insurance Program Regulations) pertaining to floodplain management.
- C. The degree of flood protection required by these Regulations is considered reasonable for regulatory purposes, and is based upon engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These Regulations do not imply that land outside the area of the special flood hazards or uses permitted within such areas will be free from flooding or flood damages. These Regulations shall not create liability on the part of McLennan County, any official or employee thereof, or FEMA for any flood damages that result from reliance upon these Regulations or any administrative decision lawfully made thereunder.

Section 1.9 Drainage Easements

- A. All areas within the floodway shall be contained within a dedicated drainage easement and floodway easement or right-of-way and shall be shown on the final plat.
- B. Where public drainage within a subdivision transverses private property, provisions shall be made for drainage easements to allow for proper upkeep and future maintenance within the easement area. Determination of the proper size for drainage facilities is the responsibility of the developer's engineer, however, at no time shall the width of the drainage easement be less than twenty (20) feet, unless otherwise directed by the County Engineer due to site specific conditions.
- C. Provisions shall be made for drainage easements and drainage structures, in accordance with these Regulations, to allow for proper control of drainage and for future maintenance within the easement area(s). Drainage easements shall be subject to the following requirements:
 - (1) The drainage and floodway easement shall be dedicated to the public for drainage and floodway purposes in perpetuity.
 - (2) The owners shall not obstruct the natural flow of stormwater runoff by the construction of any type of building, fence, or any other structure (including fill material, such as dirt, gravel, rocks) within the drainage and floodway easement.
 - (3) The County is not responsible for the construction or maintenance of facilities within drainage easements. However, the County shall at all times have the right to enter upon the easements, at any point or points, with all rights of ingress and egress, to investigate, survey, or perform any other function deemed necessary by the County for drainage purposes.

Section 1.10 Erosion Control

To prevent erosion, the sides of drainage ditches shall be sloped and the banks shall be permanently protected with either concrete, sod, or other acceptable erosion control device.