

COLORADO COUNTY DEVELOPMENT REGULATIONS ♦



**Revised by Commissioners Court
Colorado County, Texas
June 26, 2006**

♦ Previous versions of these Development Regulations are continued in full force and effect for subdivisions and land divisions approved by Commissioners Court prior to the effective date of these changes.

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Colorado County Subdivision Rules

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SECTION 1 DEFINITIONS

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

- 1.1 **Applicant** - An Owner or authorized representative seeking approval of a proposed Subdivision pursuant to these Regulations.
- 1.2 **Checklist, Preliminary Plat** - An itemization of requirements that must be met for Preliminary Plat review. These requirements are more fully outlined in Article 4.
- 1.3 **Checklist, Final Plat** - An itemization of requirements that must be met for the Final Plat review. These requirements are more fully outlined in Article 5.
- 1.4 **Commissioners Court** - The Commissioners Court of Colorado County.
- 1.5 **County** - Colorado County, Texas.
- 1.6 **County Clerk** - The County Clerk of Colorado County.
- 1.7 **Designated Agent** - A County employee, County department, or outside consultant designated to perform certain duties laid out in the Subdivision and Development Regulations or the Road and Drainage Specifications on behalf of the County.
- 1.8 **Precinct Commissioner** - The elected County Commissioner in whose precinct the Subdivision or development project is proposed.
- 1.9 **Final Plat** - A map of a proposed Subdivision of land prepared in a form suitable for filing of record with all necessary survey drawings, notes, information, affidavits, dedications and acceptances as required by these Regulations.
- 1.10 **Final Floor Elevation**- One foot above the elevation shown on the Flood Insurance Rate Map that indicates the water surface elevation resulting from a flood that has a one (1) percent chance of equaling or exceeding that level in any given year.
- 1.11 **Lot** - Any tract to be created by the division of the Original Tract pursuant to the proposed Subdivision application, including the remainder of the Original Tract.
- 1.12 **NGVD 83 Datum**- National Geodetic Vertical Datum dated 1983.

- 1.13 Original Tract** - The parcel of land owned by an Owner prior to the proposed Subdivision of this parcel.
- 1.14 Owner** - The owner of real property subject to a proposed or existing Subdivision, or subject to on-site sewage facility rules or other development rules included in this document.
- 1.15 Permitted Street** - A street that meets the requirements of Colorado County under these Regulations.
- 1.16 Preliminary Plat** - A map of a proposed Subdivision of land showing the general dimensions and boundaries of each Lot, topography, floodplain, the layout of the proposed streets, drainage improvements, utility infrastructure, if any, easements, and other information required by these Regulations.
- 1.17 Record Plat** - A Final Plat that has been approved by the Commissioners Court and is prepared by the Applicant for recordation in the Plat Records of Colorado County.
- 1.18 Regulations** - The Colorado County Subdivision and Development Regulations.
- 1.19 Subdivision** - The required platting of a tract of land located within Colorado County outside the corporate limits of a municipality into two or more parcels to lay out: (1) a subdivision of the tract, including an addition; (2) lots; or (3) streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts. Subdivision of a tract includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for deed, by using a contract for sale or other executory contract to convey, or by using any other method.

It is the intent of the Commissioners Court of Colorado County that the term "subdivision" be interpreted to include all divisions of the land to the fullest extent permitted under the laws of the State of Texas.

SECTION 2

GENERAL SUBDIVISION REQUIREMENTS

2.1 General Requirements. Any person or corporation who subdivides a tract of land shall:

2.1.1 Comply in all respects with these Regulations; and

2.1.2 Prepare and submit to the Commissioners Court an application for approval of the proposed Subdivision in accordance with the terms and procedures set forth in these regulations.

2.2 Subdivision Approval Process. No Subdivision shall be permitted until the Applicant has, in the order indicated, satisfied each of the following steps:

2.2.1 Submitted a completed Preliminary Checklist with the County Clerk.

2.2.2 Served a copy of the completed Preliminary Checklist to both the County Judge and the Precinct Commissioner.

2.2.3 Obtained approval of Preliminary Plat by the Commissioners Court.

2.2.4 Submitted a completed and dated Final Checklist with the County Clerk.

2.2.5 Served a copy of the completed Final Checklist to both the County Judge and the Precinct Commissioner.

2.2.6 Obtained approval of Final Plat by the Commissioners Court.

2.2.7 Filed a Record Plat with the County Clerk, to be recorded in the Plat Records of the County.

2.3 Transmittal Materials. All submittals to the Commissioners Court pursuant to these Regulations, including amendments or supplemental materials, shall be delivered to the County Clerk's office and shall be accompanied by a letter of transmittal indicating:

2.3.1 the name, address and phone number of the Owner and, if different, the developer or applicant;

2.3.2 the name, address and phone number of any person submitting the materials on behalf of the Owner;

- 2.3.3 the name of the proposed Subdivision;
- 2.3.4 the size and location of the Original Tract or, if a reference number has previously been assigned, the reference number of the Subdivision application; and
- 2.3.5 a detailed description of the requested actions.

2.4 Communication with Precinct Commissioner. The Applicant is required to contact the Precinct Commissioner prior to the submittal of the Preliminary Plat Checklist.

2.5 Preliminary Plat. Each application for Preliminary Plat shall include the following:

- 2.5.1 Three (3) 24" x 36" blueline or blackline copies of the Preliminary Plat, provided that the County may require up to four additional copies of the Preliminary Plat, and
- 2.5.2 The applicable application fee.

2.6 Final Plat. Each application for Final Plat shall include the following:

- 2.6.1 Three (3) 24" x 36" blueline or blackline copies of the Final Plat and an electronic copy of the plat in *TIFF* (tag image file format) format with a minimum resolution of 300 dpi, provided that the County may require up to four additional copies of the Final Plat,
- 2.6.2 The applicable application fee,
- 2.6.3 A tax certificate showing that all taxes currently due with respect to the Original Tract have been paid,
- 2.6.4 A letter from the Colorado County 911 Addressing Department approving the proposed street names on the plat,
- 2.6.5 A completed Utility Checklist and required letters from utility providers,
- 2.6.6 A completed application form in the current form promulgated by the County, and
- 2.6.7 All other documents or reports required pursuant to these Regulations and any associated Construction Security.

2.7 Record Plat. Two duplicate 24" x 36" twenty-pound vellum copies of the

approved Final Plat with any revisions required by the Commissioners Court shall be presented to the County Clerk for recording as the Record Plat. All text on the Record Plat must be no smaller than 0.09" in height (9-point font) for legibility.

- 2.8 Application Review Periods.** The County will meet the review deadlines established by Chapter 232.0025 of the Texas Local Government Code.
- 2.9 Application Fees** Upon filing the Preliminary Plat Application the Applicant shall pay a plat application fee in the amount of \$300 plus \$25 per Lot up to 50 Lots, \$20 per Lot for each additional Lot over 50 Lots up to 100 Lots, and \$15 per Lot each additional Lot over 100 Lots. (Example: for 78 Lots, Applicant will pay \$300, \$25 per Lot for the first 50 Lots, and \$20 per Lot for the additional 28 Lots, making the total \$1,810.) Applicant is also responsible for the cost of any outside technical review firm hired by the County for the purpose of reviewing road and drainage plans, floodplain information, construction inspection or other special considerations. Upon request, estimates for outside review services will be made available to Applicant.
- 2.10 Subdivisions within ETJ of a Municipality.** Whenever an Original Tract lies within the extraterritorial jurisdiction of a municipality and is subject to the subdivision regulations of such municipality, the Applicant shall obtain from the municipality either approval of the application or exemption from the municipality's subdivision regulations. If a municipality grants an exemption, these subdivision rules apply. As required by the Texas Property Code, the County Clerk will not accept a Record Plat for recordation unless it has been (a) approved by the County, or (b) approved by the municipality, or (c) exempted from the County's and the municipality's subdivision regulations. The County Clerk may require written proof of exemption from a municipality to be filed with the Record Plat. The applicant bears the burden of establishing to the Commissioners Court that no municipal subdivision approval is required or that an exemption has been granted.
- 2.11 Wastewater and Development Permits.** The County will not issue an On-Site Sewage Facility permit on any parcel of land subdivided after July 24, 2000, unless that property has been properly subdivided in accordance with these Regulations and the Colorado County On-Site Sewage Facility Rules or is exempt from subdivision under these Regulations or state law.

**SECTION 3
EXEMPTIONS AND LIMITED LAND DIVISIONS**

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

3.1.1 Agricultural use and no streets, etc. The 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, and the owner does not divide the tract into two or more parts to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts. If a tract ceases to be used primarily for the purposes expressed in Local Gov. Code Sec. 232.0015 (c)(2), then the tract is no longer exempt.

3.1.2 Four or fewer lots for sale to a relative. The division of land into four or fewer parts for sale or transfer to a person related to the owner within the third degree of consanguinity or affinity (see definitions following), when no public improvements are required or proposed in accordance with the Local Government Code, Chapter 232.0015, and each lot has adequate frontage to guarantee safe driveway spacing, sight distance, and reasonable maintenance of road and drainage areas. This minimum lot frontage is generally considered to be 52.8 linear feet.

In accordance with the Government Code, Ch. 573.023(c), an individual's relatives within the third degree by consanguinity are the individual's:

- (1) parent or child (relatives in the first degree);
- (2) brother, sister, grandparent, or grandchild (relatives in the second degree); and
- (3) great-grandparent, great-grandchild, aunt who is a sister of a parent of the individual, uncle who is a brother of a parent of the individual, nephew who is a child of a brother or sister of the individual, or niece who is a child of a brother or sister of the individual (relatives in the third degree).

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

- (1) anyone related by consanguinity to the individual's spouse in one of the ways named in Section 573.023(c); and

2) the spouse of anyone related to the individual by consanguinity in one of the ways named in Section 573.023(c).

- 3.1.3 **All lots are bigger than 10 acres and no streets, etc.** Any division of land in which all the Lots of the Subdivision are more than ten acres in area; and the Applicant does not lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of Lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts; so long as each Lot has direct physical access onto an existing public street or road, and so long as each Lot has adequate minimum Lot frontage to guarantee safe driveway spacing, sight distance, and reasonable maintenance of road and drainage areas. This minimum Lot frontage is generally considered to be 52.8 linear feet.
- 3.1.4 **Sale of all lots to Veterans.** Any division of land in which all the Lots of the Subdivision are sold to Veterans through the Veterans' Land Board Association; and no streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of Lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts are laid out; so long as each Lot has direct physical access onto an existing public street or road, and so long as each Lot has adequate minimum lot frontage to guarantee safe driveway spacing, sight distance, and reasonable maintenance of road and drainage areas. This minimum Lot frontage is generally considered to be 52.8 linear feet.
- 3.1.5 **State government.** The State of Texas or any state agency, board, or commission or land owned by the permanent school fund or any other dedicated funds of the state shall be exempt unless laying out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of Lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.
- 3.1.6 **Owned by government.** 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 adjoining landowners.
- 3.1.7 **Division into two lots and no streets, etc.** The Applicant does not lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of Lots fronting on or adjacent to the streets, alleys, squares, parks, or other lots, and one new lot is to be retained by the owner and the other lot is to be transferred to another person who will further subdivide that tract subject to the plat approval requirements of these Regulations.
- 3.1.8 **Transfer of undivided interest and no streets, etc.** The Applicant does not lay out streets, alleys, squares, parks, or other parts of the tract

intended to be dedicated to public use or for the use of purchasers or owners of Lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts, and all parts are transferred to persons who owned an undivided interest in the original tract and a plat is filed before any further development of any part of the tract.

3.1.9 **Gift deed to Colorado County.** The primary purpose of the subdivision or division of the land or tract in question is to provide for a gift-deed to Colorado County.

3.1.10 **Sale to adjacent owner.** The purpose of the division is the sale of land to an adjacent property owner.

3.1.11 **Collateral.** The division of land for use as collateral.

3.2 Limited Land Divisions. Making use of the discretionary authority granted and implied under Chapter 212.0015 in the Texas Local Government Code, Colorado County, through these rules, recognizes certain classifications within the division and subdivision of land. Thus, for the purpose of subdivision and development regulation, the County hereby recognizes a class of subdivisions to be known as Limited Land Divisions (LLDs), with distinct rules and procedures for the review, approval and recordation of Limited Land Division plats.

3.2.1 *Intent:* Limited Land Divisions are intended as a way to regulate and facilitate the occasional need of a landowner to legally divide a tract or parcel into two pieces, or into a small number of Lots, for sale or other legal conveyance. The intent is to establish a set of procedures and standards to be applied in cases where applicants are creating subdivisions which appear to be of a rural or relatively isolated character and, thus, do not justify or demand the type of more intensive regulation and scrutiny that is appropriate for the regular subdivision process described in these rules. In an effort to ensure an appropriate level of regulation without undue interference in the commerce and property rights of its citizens, Colorado County wishes to establish this set of rules in order to govern such Limited Land Divisions in a way that provides for reasonable protections toward the public good while making it as easy as possible for landowners and their representatives to accomplish these occasional, limited subdivisions of land without the time, expense and detail that might be involved in a regular Subdivision Application. Limited Land Divisions are not exempted from the subdivision process, but the process is tailored to accommodate these subdivisions with a lighter regulatory hand.

3.2.2 *Application:* Applicants shall not be required to complete the regular Subdivision Application, but shall complete a shorter Limited Land Division Application and Checklist. This Application and Checklist shall be submitted to the County Clerk.

- 3.2.3 *Fees:* Unlike regular Subdivisions, there are no fees associated with a Limited Land Division Application. Normal plat filing and recordation fees at the County Clerk's office may apply.
- 3.2.4 *Number of Lots, 4 + 1, One-Acre Minimum:* A Limited Land Division, for the purposes of these rules, involves the creation of no more than four Lots from one larger tract, with the balance of the original tract remaining as an independent parcel and classified as a Remainder Tract. Each Lot or Remainder Tract created by a Limited Land Division shall have a minimum area of not less than one acre. Thus, the result of a Limited Land Division will be a number of new Lots, ranging from one to four, plus whatever is left of the original tract, which shall be denoted in the Application as a Remainder Tract and which shall not be considered a Lot.
- 3.2.5 *Frontage Requirements:* The regular Subdivision Lot frontage requirements of 52.8 feet shall be waived for Limited Land Division Lots and Remainders which meet certain conditions, to wit:
- a. *Easements Generally Allowed* – Limited Land Division Lots and Remainders may be accessed by recorded access easements that run appurtenant with the land, provided that either the easement is a minimum of 30 feet throughout its course, or that some combination of frontage area and recorded access easement equals 30 feet in width throughout, and that the intended travel way is suitable for motor vehicles with rubber tires.
 - b. *Issues Which Easement Must Address:* To qualify as the primary means of access under these rules, the conveyance document for the easement shall:
 - i. Grant the easement concurrent with the conveyance of the property.
 - ii. Grant a perpetual easement for the benefit of the parcel conveyed.
 - iii. Establish that the easement is appurtenant for use as a right-of-way, upon and across certain real property leading to a public road, and describe said property by legal description including metes and bounds.
 - iv. Meet the requirements of Section 3.2.5.a. above.
 - v. State whether the easement is exclusive or non-exclusive.
 - vi. State who has the right, duty, or obligation to maintain the easement and to pay for said maintenance.
 - vii. State whether either party has the right to construct fences or to construct or plant other impediments,

including cattle guards, along the sides of or within the easement.

viii. Include a metes and bounds description of the easement.

- c. *Easements May Be Denied for Public Safety or If It Is Determined That An Applicant Is Subverting the Intent* – Colorado County reserves the right to deny the use and/or lay-out of an easement presented as the sole legal access to one or more Lots or Remainders, or to require such an easement to be moved or modified prior to approval, when such an easement, point of access or driveway cut is determined to constitute a threat to public safety; or when it is determined to constitute an evasion and contradiction to the spirit and intent of Limited Land Divisions as outlined in Section 3.2.1. To deny the waiver of frontage requirements, or to deny the use or lay-out of a particular access easement, the Commissioners Court must adopt a written finding stating that approval of the plat as submitted would pose a threat to the public safety and/or that approval would constitute a violation, contradiction or subversion of the intent and spirit of the Limited Land Division concept. The Court must state specific reasons for the finding. The applicant shall then be required to propose an alternate route or means of access.

3.2.6 *Survey and Topographic Requirements:*

- a. *General Survey:* All Lots created in the division shall be surveyed but the Remainder Tract need not be surveyed in full, provided that sufficient monumentation is found and identified on the plat to give a reasonable person a good indication of the dimensions of the Remainder tract. At a minimum, at least two corners of the Remainder Tract other than new lot corners shall be shown.
- b. *Topo, Contours:* No topographical survey is required and no contours need be shown on the plat for a Limited Land Division, but the FEMA Regulated 100-year Flood Plain shall be shown on the plat.

3.2.7 *Plat Submittal Standards:*

- a. *Scale:* The scale shall be appropriate to the project to ensure legibility and in no case shall be greater than 1 inch = 400 feet.
- b. *Sheet Size:* 8 ½ inches x 14 inches with ½-inch margin at the top and bottom and ¼-inch margin on both sides.

c. *Sheet Material:* Standard bond paper for copies and twenty-pound bond paper for recordation.

d. *Number of Copies:* The Applicant shall provide three copies of the proposed plat; one of the copies shall be on twenty-pound bond paper for the County Clerk to record.

3.2.8 *Plat Notes:* The plat shall include on its face or on an attached sheet all the requirements specified in Appendix 3, which contains an explanation of Limited Land Divisions and an Application for a Limited Land Division, and which may be amended from time to time by order of the Commissioners Court.

3.2.9 *Application:* The County shall provide an explanation and application form in order to aid with the interpretation and enforcement of these rules (See Appendix 3). An Application for Limited Land Division is not valid until a completed Application, as set out in Appendix 3, is filed with the County Clerk. A copy of the Application is available upon request to the Precinct Commissioner, the County Judge, or the County Clerk's office.

3.2.10 *Procedure for Submittal:* Applicants shall submit a completed Application to the County Clerk. If incomplete, the Clerk shall notify the Applicant. If complete, the Clerk shall arrange for the LLD to be posted on the agenda of the Colorado County Commissioners Court. LLDs require one reading only at the Commissioners Court.

3.2.11 *Other Rules and Standards Apply:* The rules and regulations enumerated in this section, Section 3.2, are controlling for Limited Land Divisions and supercede rules and regulations elsewhere in the Colorado County Development Regulations which may be in conflict, except that nothing in this section is intended nor should be construed to in any way change the standards for on-site wastewater, flood regulation, or road specification. Nothing in the Limited Land Division rules or elsewhere in these rules and regulations is intended to create or imply exemptions, waivers, or limitations upon valid State or National laws and development rules.

3.2.12 *Limitations and Special Plat Note:* Limited Land Divisions are intended to accommodate the legitimate needs discussed in paragraph 3.2.1 (*Intent*) with the least possible regulatory intrusion. However, this is not intended as a way to circumvent or evade the regular Subdivision process where more Lots are involved or public improvements should be required and, thus, more planning and/or regulations are needed to provide for the efficient management of storm water drainage, the orderly laying out of streets and lots, the adoption of reasonable specifications for road standards, sight distance, and similar issues of

public interest. The creation of multiple or neighboring LLDs from the same parent tract, or from adjoining or nearby tracts with related owners or ownership interests, would tend to subvert the intent of these rules by creating more intense, dense, and/or vast subdivisions and development than this level of regulation is intended to manage. Therefore, to ensure an orderly, safe and healthful development of land in keeping with Chapter 232 of the Local Government Code, and to ensure that subdivision applicants understand the limits on LLDs, Colorado County requires each LLD application to include the following language: *“This property has not been divided as a Limited Land Division in the last five years, and I further understand that I cannot further divide the remainder tract as a Limited Land Division for five more years from the date this plat is recorded.”* If current or future owners of the Remainder Tract wish to create an additional LLD from that same tract or from a related tract within five years, they shall petition the Commissioners Court for a formal finding of “Variance,” which shall state by resolution that the Commissioners Court has found that, based on particular circumstances of the subject tract, a variance from the time restriction is unlikely to undermine the intent of these rules as outlined in Section 3.2.1, and that no immediate harm to public health, safety and welfare is apparent, and that a waiver of the time restriction is a reasonable accommodation to a pressing public or private property rights interest. Pecuniary hardship alone shall not be sufficient reason for a variance.

SECTION 4 PRELIMINARY PLAT

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

4.1.1 General Information.

- (a) Name of the proposed Subdivision, which shall not be the same or substantially similar to any other Subdivision within the County unless the Subdivision is an extension of a pre-existing, contiguous Subdivision.
- (b) The boundary lines and total acreage of the Original Tract and the Subdivision.
- (c) A note stating the total number of Lots within the proposed Subdivision and the minimum size of Lots.
- (d) Acreage and dimensions of each Lot, excluding any area within a public right of way.
- (e) The location of any proposed parks, squares, greenbelts, schools or other public use facilities.
- (f) Names of adjoining Subdivisions or owners of property contiguous to the proposed Subdivision, including land adjacent across a road.
- (g) Name, address and phone number of the Surveyor and/or Engineer of Record.
- (h) Name, address and phone number of the Owner, and developer or Applicant if not the Owner.
- (i) Vicinity map showing general location of Subdivision in relation to major roads, towns, cities or topographic features.
- (j) North arrow, scale and date. The scale shall not exceed 1" = 200'.
- (k) Boundary lines of any incorporated city and the limit of the extraterritorial jurisdiction of any city.
- (l) The location of school district boundaries and a statement clearly indicating in which school district(s) the Subdivision is located. In the event any Lot lies within more than one school district then the plat shall clearly state the number of acres within the Lot that lies within each school district.
- (m) Each sheet must be numbered consecutively, sheet x of y.
- (n) The proposed use of each Lot that is not single family residential must be noted.

- 4.1.2 Floodplain and Drainage Information.
- (a) For each Lot containing 100-year floodplain, identify and delineate the 100-year floodplain and regulatory floodway, if any.
 - (b) Depiction of all streams, rivers, ponds, lakes, and other surface water features.
- 4.1.3 Street and Right of Way Information.
- (a) Location, length and right-of-way widths of all proposed streets and a depiction of how all proposed streets shall connect with previously dedicated, platted or planned streets within the vicinity of the Subdivision.
 - (b) Location, size and proposed use of all proposed access easements, if any.
- 4.1.4 Water, Wastewater and Utilities Information.
- (a) Designation of the entity supplying each of the following: electric, phone and gas utilities to Lots, or a statement that such utility is not available.
 - (b) The location of all proposed utility easements and/or infrastructure, including water well sanitary easements, if applicable.
 - (c) Designation of the water and sewer utility provider for the Subdivision, if known, and the source of the water intended to serve each Lot within the subdivided area.

4.2 Approval of Preliminary Plat. The Commissioners Court shall approve a Preliminary Plat if it satisfies each of the requirements set forth in Article 4 and all other provisions of these Regulations.

4.3 No Conveyance of Lots. Conveyance of Lots depicted on a Preliminary Plat shall not be permitted until the Final Plat has been approved and the Record Plat recorded by the County Clerk.

4.4 Expiration. Approval of a Preliminary Plat shall expire and be of no further force and effect in the event a Final Plat for a portion of the Subdivision is not filed within twelve (12) months following the date of the Commissioners Court approval of the Preliminary Plat.

SECTION 5 FINAL PLAT

5.1 Information. The Final Plat Checklist is available at the County Clerk's office. Before an application for Final Plat is considered to be filed, the Applicant must return all items summarized on the checklist to the Clerk's Office and have the application dated by the Clerk. A digital copy of the final plat in TIFF (tag image file format) format with a minimum resolution of 300 dpi is required to be submitted as specified in the Final Plat Checklist. The Commissioners Court will act on the Final Plat within sixty (60) days from the date the completed checklist is filed with the Clerk. The County Clerk will notify applicants in writing within ten (10) business days of the filing if the Checklist application is flawed or incomplete, in which case applicants must file a new, completed Final Plat Checklist. Proposed Final Plats shall comply with the requirements of the approved Preliminary Plat and shall include the following:

5.1.1 General Information

- (a) Bearings and dimensions of the boundary of the Subdivision and all Lots, parks, greenbelts, easements or reserves. Dimensions shall be shown to the nearest one-hundredth of a foot (0.01') and bearings shall be shown to the nearest one second of angle (01"). The length of the radius and arc of all curves, with bearings and distances of all chords, shall be clearly indicated.
- (b) Description of monumentation used to mark all boundaries, Lot and block corners, and all points of curvature and tangency on street rights-of-way.
- (c) Location of original survey line. The Subdivision shall be located with respect to an original corner of the original survey of which it is part.
- (d) Lot and block numbers for each Lot.
- (e) Acreage of all Lots, calculated to the nearest one-hundredth of an acre. When calculating the acreage of any Lot the gross square footage within the Lot shall be used, provided any area within a public right of way shall be excluded.
- (f) Each sheet must be numbered consecutively, sheet x of y.

5.1.2 Floodplain and Drainage Information

- (a) For Subdivisions containing 100-year floodplain, benchmarks and finished floor elevations of each Lot in accordance with the Colorado County Flood Damage Prevention Ordinance.
- (b) For each Subdivision containing 100-year floodplain, at least one monument containing latitude and longitude and NGVD 83 datum coordinates.

- (c) For each Lot containing 100-year floodplain, minimum Finished Floor Elevation must be provided on the plat and development below the Finished Floor Elevation prohibited by plat note.
- (d) Elevation contours at no less detail than five-foot (5') intervals, based on NGVD 83 datum.
- (e) All Special Flood Hazard Areas identified by the most current Flood Insurance Rate Maps published by the Federal Emergency Management Agency.
- (f) For each Lot containing 100-year floodplain, sufficient additional contours to identify and delineate the 100-year floodplain and regulatory floodway, if any. If base flood elevations have not already been established, they shall be established by a Registered Professional Engineer.
- (g) A drainage area map depicting the anticipated flow of all drainage onto and from the Subdivision and showing all existing and proposed major topographic features on or adjacent to the property including all water courses, 100-year floodplain boundaries, floodway boundaries, ravines, swales, ditches, bridges and culverts.
- (h) The location and size of all proposed drainage structures, including on-site retention and/or detention ponds and easements and the impact of Lot and street layouts on drainage.

5.1.3 Street and Right of Way Information

- (a) Total length of all streets, to the nearest one-tenth mile.
- (b) Total area of all rights-of-way to be dedicated to the public to the nearest hundredth of an acre.
- (c) The minimum driveway culvert size for each Lot, as determined in accordance with good engineering and construction practices.
- (d) Proposed location of all depth gauges at all road crossings where the 100-year frequency flow or lesser frequency storm event is anticipated to flow over the road surface and any proposed gates or warning devices. Note: the Commissioners Court may require gates or warning devices at such locations.
- (e) Number of feet road frontage on each lot.

5.1.4 Water, Wastewater and Utilities Information

- (a) For each Lot not served by a Public Sewer System, the location of a viable percolation area for septic tanks and proposed well sites, if any.
- (b) The following statement should appear prominently on the Final Plat: "No structure in this Subdivision shall be occupied until connected to an individual water supply, state-approved community water system, or engineered rain water collection system."

- (c) The following statement shall appear prominently on the Final Plat: "No structure in this Subdivision shall be occupied until connected to a public sewer system or to an on-site sewage facility that has been approved and permitted by Colorado County.
- (d) Certification that all Lots have been designed in compliance with the Rules of Colorado County for On-Site Sewage Facilities, together with a Facility Planning Report for On-Site Sewage as provided for in Chapter 285 in the Texas Health and Safety Code.

5.1.5 Other Plat Notes and Certifications as referred to in Appendix 1 or Appendix 3 (Limited Land Divisions) as applicable.

5.2 Street Design. The Final Plat shall contain a written certification from a Registered Professional Engineer that the location and dimensions of streets as set forth and laid out on the Final Plat are in accordance with these Regulations.

5.3 Drainage. A Final Plat shall contain a written certification from a Registered Professional Engineer stating that the location and approximate sizes of the drainage structure(s) set forth in the Final Plat are in accordance with the County's Road and Drainage Specifications.

5.4 On-Site Sewage Rules. A Final Plat shall satisfy the requirements of the Rules of Colorado County for On-Site Sewage Systems.

5.5 Additional Requirements for Streets

5.5.1 Construction Plans for all streets and drainage improvements within the Subdivision and signage plans for all streets; in accordance with the Colorado County Road and Drainage Standards and Specifications.

5.5.2 A certification under the seal of a Texas Registered Professional Engineer that the Construction Plans and pavement designs are in compliance with these Regulations;

5.5.3 The total estimated construction cost of all of the streets and drainage improvements proposed to be constructed within the Subdivision.

5.5.4 Streets may not be constructed until the Record Plat has been filed and the Construction Security has been posted per the requirements of Section 7.2.

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

- 5.7 **Approval of a Final Plat.** Approval of a Final Plat shall not authorize any construction or Development activities but merely authorize the Applicant to proceed with the Record Plat.
- 5.8 **Record Plat.** Upon approval of the Final Plat by Commissioners Court, the Applicant shall prepare a Record Plat for recordation in the Colorado County Plat Records in accordance with these Regulations. The Record Plat must be recorded within twelve (12) months of the approval of the Final Plat.

SECTION 6 STREET DESIGN AND CONSTRUCTION

- 6.1 Permitted Streets.** All streets shall be constructed in accordance with these Regulations and the accompanying Road and Drainage Specifications. Streets in a subdivision other than a Limited Land Division shall be paved and dedicated to the public in all Subdivisions. Private streets are not allowed unless a maintenance agreement is established with a Homeowner's Association registered with the Secretary of State with the power to place liens against real property to enforce the collection of dues. Any subdivision containing private streets with gates or controlled access mechanisms must provide to the Colorado County Sheriff's office a copy of the key, code, or means of access. Neither Colorado County nor other public service agencies are liable for any damage to gates or controlled access mechanisms in the line of duty.
- 6.2 Dedication to Public.** Any dedication to the public shall be accomplished either by deed conveying a fee simple interest or by a dedication on the plat conveying a perpetual right of way easement in the property to the County for public use. No dedication shall be effective until the Record Plat is recorded. In no event shall any private lot extend into a dedicated roadway.
- 6.3 Design of Public Improvements.** All improvements shall be designed and installed so as to provide, to the maximum extent feasible, a logical system of utilities, drainage and streets and to permit continuity of improvements to adjacent properties. The classification and construction standards for all streets shall be determined according to the Road and Drainage Specifications for Colorado County.
- 6.4 Flag Lots.** As provided for in the State Transportation Code and other state laws, the County has the general authority and responsibility for road and drainage maintenance and safety. Minimum driveway spacing is one critical component of both public safety and effective road maintenance where County equipment must operate in bar ditches or along rural road shoulders. Therefore flag lots shall generally not be permitted, except if approved by the Commissioners Court as consistent with the intent and spirit of these Regulations. The Precinct Commissioner or Designated Agent shall advise the Commissioners Court if a proposed Lot constitutes a "flag lot" and the Commissioners Court shall, in reviewing all the circumstances, make the final determination.
- 6.5 Residential Driveways.** Driveways serving residential development shall be spaced at the minimum interval of 52.8 feet. Shared culverts and driveway approaches within the right of way are permitted between adjoining lots.
- 6.6 Commercial Driveways.** Driveways serving commercial development shall be spaced at the minimum interval of 52.8 feet. Shared culverts and driveway

approaches within the right of way are permitted between adjoining lots.

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

SECTION 7

ACCEPTANCE OF ROAD MAINTENANCE AND DEVELOPMENT PERMITS

7.1 Applicant's Maintenance Responsibility. The Applicant shall remain responsible for all maintenance and repair of streets within a Subdivision until the Commissioners Court, by formal written action or Minute Order, accepts the obligation to maintain and repair such roads. The decision of the Commissioners Court to approve a Record Plat or dedication of the right of way for a street shall not be deemed to constitute acceptance of the streets for maintenance.

7.2 Construction Security. The Applicant shall continue to be responsible for all other requirements set forth in Section 7.1 above.

7.2.1 At the time of filing the final plat, the applicant shall post a Construction Security in the form of cash, surety bond or irrevocable letter of credit in an amount equal to 100% of the estimated construction costs of the streets, roads and drainage requirements. The Commissioners Court must individually approve each application to post such Construction Security and the Construction Security shall remain in effect until the streets and roads and all associated drainage improvements have been accepted by the County for maintenance pursuant to Section 7.1 above. Sample Construction Security forms are provided in Appendix 2. The Construction Security shall be filed with the County Clerk.

7.2.2 Before release of the Construction Security, the Precinct Commissioner or Designated Agent shall inspect the roads and the Applicant shall remedy all deficiencies. If the deficiencies are not properly remedied, the County shall draw on the security to make the necessary repairs.

7.2.3 Collection on security and the prosecution of construction to complete the improvements to the extent possible with resulting funds is not acceptance of the improvements for maintenance. The County is not a Subdivision developer and, if it undertakes the performance of such construction through a third party contractor, the County is acting as a third party trustee for the public and the contractor shall be liable for all costs incurred by the county in excess of the surety amount, if any.

7.3 County Acceptance of Maintenance. The County shall accept a road or street for maintenance when the following conditions have been satisfied:

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

- 7.3.2 The Applicant has submitted a written request to the County. If the Applicant is no longer available, i.e. has ceased to transact any business or, in the case of an individual, has died, any person owning property with frontage or access onto the street may submit the written request;
- 7.3.3 The Colorado County Precinct Commissioner or Designated Agent has approved all required inspections and tests at the completion of each phase of construction of the street, including plasticity index, sub-base and base, tests for compacted density, depth of base and distribution of asphalt (it is the responsibility of the Applicant to coordinate all inspections and laboratory tests with the Colorado County Precinct Commissioner or Designated Agent and not to proceed with construction until proper inspections and tests have been obtained). Any laboratory tests and test holes shall be at the expense of the Applicant. In no event will any base be placed on the street until the Precinct Commissioner or Designated Agent has approved the subgrade;
- 7.3.4 The Colorado County Precinct Commissioner or Designated Agent has inspected the street no earlier than thirty (30) days prior to the acceptance for maintenance by Commissioners Court and has submitted to the Commissioners Court an Inspection Report stating that:
- (a) the street, in its current condition and with no repairs, upgrades or improvements, appears to be in compliance with the Regulations and all other guidelines in effect at the time of the inspection;
 - (b) the requirements regarding construction of drainage structures and driveway drain pipes have been satisfied; and
 - (c) the Precinct Commissioner or Designated Agent recommends acceptance of the street by the Commissioners Court;
- 7.3.5 The Applicant has posted with the County Clerk a Maintenance Security in the form of cash, surety bond or irrevocable letter of credit to secure the proper maintenance of the roads prior to County acceptance thereof in an amount equal to 10% of the construction costs of the streets for a term of two (2) years following acceptance by the County. Before release of the Maintenance Security, the Precinct Commissioner or Designated Agent shall again inspect the roads or streets and the Applicant shall remedy all deficiencies prior to release of the Maintenance Security. If the deficiencies are not promptly remedied, the County shall make the repairs and draw on the Maintenance Security for payment. The County is not a Subdivision developer and, if it undertakes the performance of such construction through a third party contractor, the County is acting as a third party trustee for the public. Sample Maintenance Security forms are provided in Appendix 2.

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

SECTION 8
WATER AND WASTEWATER STANDARDS

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

SECTION 9 DRAINAGE AND FLOOD CONTROL

- 9.1 Stormwater Runoff.** Stormwater runoff from any development may not be released onto neighboring property or into any County drainage ditch, swale, easement, culvert or other facility or any such drainage facility associated with an existing road, whether public or private, at a rate greater than runoff from the property in an undeveloped condition.
- 9.2 Conveyance of 100-Year Storm Frequency Flows.** Any drainage system shall be designed to convey all channelized or concentrated flows from a 100-year storm event within defined right-of-way or drainage easements, which shall not be narrower than twenty feet (20') in width.
- 9.3 Completion of Drainage System Prior to Acceptance of Road Maintenance.** No streets will be accepted for maintenance by the County until all drainage structures, including culverts for all driveways constructed as of the acceptance date, have been both installed by the Applicant or occupant(s) of the Lot(s) and inspected and approved by the County.
- 9.4 Maximum Headwater Elevation for Drainage Crossings.** All collector and arterial roads, culverts underneath streets, roads, and bridges shall be designed so that storm water runoff from the 25-year storm event crossing such street, road, or bridge shall not produce a headwater elevation at the roadway greater than six inches above the roadway crown elevation.
- 9.4.1 A permanent depth gauge shall be placed at all road crossings where the 100-year frequency flow or lesser frequency is anticipated to flow over the road surface. The Commissioners Court may require installation of gates or warning devices at all or some of such locations.
- This section (9.4) does not apply to residential driveway culverts.
- 9.5 Maximum Headwater Elevation for Drainage Crossings for Neighborhood and Local Streets.** All roads and streets shall be designed and constructed to withstand the impact of water being impounded adjacent to and flowing over the road or street.
- 9.6 Drainage Design Methodology.** Computations by a Texas Registered Professional Engineer to support all drainage designs shall be submitted to the Precinct Commissioner or Designated Agent for review. The methodologies shall be based upon commonly accepted engineering practices used within the area.
- 9.6.1 All computations of flood plains, culverts, channels, etc., shall be based on fully developed upstream conditions.

9.6.2 A drainage area of 64 acres or greater is required within a contributing watershed to create a "flood plain." For areas of flow with less than 64 acres of contributing area, no flood plain shall be defined; however, any concentrated flow necessitates the dedication of a drainage easement.

9.7 Easements.

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

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

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

SECTION 10
REVISION, CANCELLATION, AND RESUBDIVISION

10.1 Revision. An Applicant of an existing lot or lots in a platted Subdivision may submit an application to revise the subdivision plat filed for record, by submitting the following to the County Clerk:

10.1.1 Revision Submittal Requirements:

- (a) Subdivision Application;
- (b) Three (3) copies of the proposed revised plat, conforming in all respects to the requirements of these Regulations; or, if submitted by a private homeowner who is not a developer in the Subdivision, other materials acceptable to the Precinct Commissioner or Designated Agent clearly setting forth the desired amendment;
- (c) A statement giving the reason for the proposed revision;
- (d) A filing fee equal to \$100.00, plus \$25.00 per affected lot.

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

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

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

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

- (a) The plat as revised conforms to the requirements of the Regulations, and one of the following has been satisfied
 - (i) The revision will not interfere with the established rights

- of any owner of a part of the subdivided land, or
- (ii) Each owner whose rights may be interfered with has agreed to the revision.

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

- 10.2 **Cancellation**. Any application to cancel an existing plat shall be submitted and considered in accordance with Chapter 232.008 of the Texas Local Government Code.
- 10.3 **Resubdivision** Any re-subdivision must meet the provisions of Chapter 232 of the Texas Local Government Code.
- 10.4 **Amendment of plat**. Pursuant to Local Gov. Code Sec. 232.0095(b), any plat may be amended pursuant to the provisions of Local Gov. Code Sec. 212.016 or Section 10.1 of these rules, at the option of Commissioner's Court.

SECTION 11 VARIANCES

- 11.1 Criteria for Variance.** The Commissioners Court shall have the authority to grant variances from these Regulations , and from the Road and Drainage Specifications, when the public interest or the requirements of justice demands relaxation of the strict requirements of the Regulations. Factors to be considered by the Court in evaluating a request for variance shall include:
- 11.1.1 The actual situation of the property in question in relation to neighboring or similar properties, such that no special privilege not enjoyed by other similarly situated properties may be granted;
 - 11.1.2 Whether strict enforcement of the Regulations would deny the Applicant the privileges or safety of similarly situated property with similarly timed development;
 - 11.1.3 That the granting of the variance will not be detrimental to the public health, safety 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
 - 11.1.4 Whether there are special circumstances of conditions affecting the land or proposed development involved such that strict application of the provisions of these Regulations would deprive the applicant the reasonable use of this land and that failure to approve the variance would result in undue hardship to the applicant. Financial hardship, standing alone, shall not be deemed to constitute undue hardship.
- 11.2 Application Materials.** Any person who wishes to receive a variance should apply to the County Clerk with a list of, and a written justification for, each variance requested.
- 11.3 Discretion to Grant Variances.** The decision of the Court whether to grant or deny a variance is at its complete discretion, and will be final.

SECTION 12 ENFORCEMENT AND PENALTIES

- 12.1 Category of Offense.** A person commits an offense if the person knowingly or intentionally violates a requirement of these Regulations, including the Road and Drainage Specifications incorporated into these Regulations, the Regulations of Colorado County for On-Site Sewage Facilities and any appendices attached to these Regulations. An offense under this provision is a Class B misdemeanor punishable by fine or imprisonment or both.
- 12.2 Enforcement Actions.** At the request of the Commissioners Court, the County Attorney or other prosecuting attorney for the County, may file an action in a court of competent jurisdiction to:
- 12.2.1 Enjoin the violation or threatened violation of a requirement established by or adopted by the Commissioners Court under these Regulations; or
- 12.2.2 Recover damages in an amount adequate for the County to undertake any construction or other activity necessary to bring about compliance with a requirement established by or adopted by the Commissioners Court under these Regulations.
- 12.3 Enforcement of Plat Notes.** The enforcement of plat notes or restrictions is generally the responsibility of the Applicant and other persons holding a property interest, whether in fee simple or by easement, in the Subdivision. Plat notes shall reflect that the County may enforce any plat notes imposed pursuant to the Rules of Colorado County for On-Site Sewage Facilities or these Regulations, any plat note affecting County rights of way or drainage or the public health, safety and welfare. Moreover, the Commissioners Court shall have the right and authority through appropriate legal procedures to prohibit the construction or connection of utilities or issuing of permits if the plat notes or restrictions have been violated.
- 12.4 Statutory Authority.** The preceding subsections 12.1 – 12.3 are enacted by the Commissioners Court of Colorado County in accordance with the Texas *Local Government Code, Chapter 232, County Regulation of Subdivisions*, which states in part:

§ 232.005. Enforcement in General; Penalty

(b) A person commits an offense if the person knowingly or intentionally violates a requirement established by, or adopted by the commissioners court under a preceding section of this chapter. An offense under this subsection is a Class B misdemeanor. This subsection does not apply to a violation for which a criminal penalty is prescribed by Section 232.0048.

§ 232.079. Civil Penalties

(a) A subdivider or an agent of a subdivider may not cause, suffer, allow, or permit a lot to be sold in a subdivision if the subdivision has not been platted as required by this subchapter.

(b) A subdivider who fails to provide, in the time and manner described in the plat, for the construction or installation of water or sewer service facilities described on the plat or on the document attached to the plat or who otherwise violates this subchapter or a rule or requirement adopted by the commissioners court under this subchapter is subject to a civil penalty of not less than \$500 or more than \$1,000 for each violation and for each day of a continuing violation but not to exceed \$5,000 each day and shall also pay court costs, investigative costs, and attorney's fees for the governmental entity bringing the suit.

(c) Venue for an action under this section is in a district court of Travis County, a district court in the county in which the defendant resides, or a district court in the county in which the violation or threat of violation occurs.

Added by Acts 1997, 75th Leg., ch. 377, § 1, eff. Sept. 1, 1997.

§ 232.080. Enforcement

(a) The attorney general, or the district attorney, criminal district attorney, or county attorney, may take any action necessary in a court of competent jurisdiction on behalf of the state or on behalf of residents to:

(1) enjoin the violation or threatened violation of applicable model rules adopted under Section 16.343, Water Code;

(2) enjoin the violation or threatened violation of a requirement of this subchapter or a rule adopted by the commissioners court under this subchapter;

(3) recover civil or criminal penalties, attorney's fees, litigation costs, and investigation costs; and

(4) require platting as required by this subchapter.

(b) During the pendency of any enforcement action brought, any resident of the affected subdivision, or the attorney general, district attorney, or county attorney on behalf of a resident, may file a motion against the provider of utilities to halt termination of preexisting utility services. The services may not be terminated if the court makes an affirmative finding after hearing the motion that termination poses a threat to public health or to the health, safety, or welfare of the residents. This subsection does not prohibit a provider of utilities from terminating services under other law to a resident who has failed to timely pay for services.

(c) This subchapter is subject to the applicable enforcement provisions prescribed by Sections 16.352, 16.353, 16.354, and 16.3545, Water Code.

*Added by Acts 1997, 75th Leg., ch. 377, § 1, eff. Sept. 1, 1997.
Amended by Acts 1999, 76th Leg., ch. 404, § 24, eff. Sept. 1, 1999.*

SECTION 13 SEVERABILITY

13.1 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, such unconstitutionality or invalidity shall not affect any remaining phrases, clauses, sentences, paragraphs, sections, appendices or articles of these Regulations. It is the express intent of the Colorado County Commissioners Court that the articles, appendices, sections, paragraphs, sentences, clauses or phrases of these Regulations be severable.

APPENDIX 1

STANDARD PLAT NOTES AND CERTIFICATIONS
Colorado County, Texas

Plat Preparers, Note: For Limited Land Division plats per Sec. 3.2 of these regulations, use Appendix 3.

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

For an individual:

STATE OF TEXAS
COUNTY OF COLORADO

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

WITNESS MY HAND, this the _____ day of _____, A.D., 20_____.

(Owner's Name) Owner

STATE OF TEXAS
COUNTY OF COLORADO

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

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

NOTARY PUBLIC in and for the State of Texas

For a corporation:

STATE OF TEXAS
COUNTY OF COLORADO

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

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

(Owner's Name), Owner

STATE OF TEXAS
COUNTY OF COLORADO

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

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

NOTARY PUBLIC in and for the State of Texas

For a Subdivision with private streets:

STATE OF TEXAS
COUNTY OF COLORADO

KNOW ALL MEN BY THESE PRESENTS, That I [Owner] ,
owner of [Subdivision Acreage] acres of land out the [Original Survey] ,
Colorado County, Texas as conveyed to me by deed dated _____ , and
recorded in Volume _____ , Page _____ , Colorado County Deed Records, DO
HEREBY SUBDIVIDE [Subdivision Acreage] acres of land out of the [Original
Survey] , (Note: If the subdivision lies in more than one survey, determine the acreage
in each survey and repeat for each original survey within the subdivision) to
be known as [Subdivision Name] , in accordance with the plat
shown hereon, subject to the easements and restrictions shown hereon, and hereby
dedicates to the owners of the lots in the subdivision, public utilities serving the
subdivision, emergency services providers with jurisdiction, and public service
agencies, the use of all the private street and other easements shown hereon, subject to
any easements and/or restrictions heretofore granted and not released. The maintenance
and payment of real property taxes on such private streets are the responsibility of the
owner(s) of the subdivision or any duly constituted homeowners association under that
certain instrument of record at Volume _____ , Page _____ , of the Colorado County Deed
of Records. An express easement is hereby granted across said private streets and any
common areas for the use of the surface for all governmental functions, vehicular and
nonvehicular, including fire and police protection, solid and other waste material
pickup, and any other purpose any governmental authority deems necessary; and Owner
further agrees that all governmental entities, their agents or employees, shall not be
responsible or liable for any damage occurring to the surface of the said private street
and any common area as a result of any such use by governmental vehicles.

WITNESS MY HAND, this the _____ day of _____ , A.D., 20 _____ .

(Owner's Name), Owner

STATE OF TEXAS
COUNTY OF COLORADO

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

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

NOTARY PUBLIC in and for the State of Texas

Certificate of County Approval, to-wit:

STATE OF TEXAS
COUNTY OF COLORADO

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

WITNESS MY HAND AND SEAL OF OFFICE this the ____ day of _____, A.D., 20____.

(Judge's Name)
COUNTY JUDGE
COLORADO COUNTY, TEXAS

(County Clerk's Name)
COUNTY CLERK
COLORADO COUNTY, TEXAS

Certificate of Recording, to-wit:

STATE OF TEXAS
COUNTY OF COLORADO

I, _____, County Clerk of Colorado County, Texas, do hereby certify that the foregoing instrument of writing was filed for record in my office on the ____ day of _____, 20__, at ____ o'clock __.m., and duly recorded on the ____ day of _____, 20__, at ____ o'clock __.m., in the Plat Records of Colorado County, Texas, in Book ____, Page ____.

(County Clerk's Name), COUNTY CLERK
COLORADO COUNTY, TEXAS

Certification of Surveyor:

I, _____, a
Texas Registered Professional Land Surveyor,
certify that this plat has been prepared in
accordance with the Subdivision Regulations
of Colorado County. All existing pipeline
easements within the limits of the subdivision
have been shown.

(SURVEYOR’S SEAL)

Development Regulations Note:

No construction or other development within this subdivision may begin until all
Colorado County development requirements have been met.

Municipal/ETJ note:

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

OR

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

School District note:

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

FEMA flood plain note:

[(A) or (NO)] Portion of this subdivision lies within the boundaries of the
100 year flood plain as delineated on the FEMA Flood Insurance Rate Map for
Colorado County, Community Panel # _____, dated _____.

Utility notes:

Electric utility service will be provided by _____.

Telephone utility service will be provided by _____.

Gas utility service will be provided by _____.

Sewage Disposal Note:

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

Individual Water Supply Note:

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

Community Water System Note:

_____ (Community Water System name) _____, an approved public water supply system, has adequate water supply and system capacity to serve the subdivision and provisions have been made to provide service to each lot in accordance with the policies of the water supply system.

Community Water System name) Representative

Drainage Easement Note:

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

Neighborhood Street Note:

Road Standards for this subdivision are based on the presumption of ten (10) lots or fewer. Any resubdivision that results in a greater number of lots may trigger a requirement that the road be paved according to the Colorado County Road and Drainage Standards and Specifications. Colorado County is under no obligation to pave the unpaved roads in the subdivision.

Private Street Note:

All private streets shown hereon [List street names] and any security gates or devices controlling access to such streets will be owned and maintained by the homeowners association of this subdivision.

Benchmark(s):

(All Applicants are required to set a minimum of one permanent Benchmark.)

Benchmark Description: _____

APPENDIX 2
STANDARD FORMS
for Construction Security and Maintenance Security
Colorado County, Texas

Surety Bond:

PRINCIPAL:

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

BENEFICIARY:

SUBDIVISION:

SUM:

DATE:

EXPIRATION DATE: Three years from Date of Bond

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

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

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

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

PRINCIPAL

SURETY

BY: _____
Authorized Representative

BY: _____
Authorized Representative*

Mailing Address

Mailing Address

City, State, & Zip Code

City, State, & Zip Code

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

Irrevocable Letter of Credit:

IRREVOCABLE LETTER OF CREDIT NO. _____

TO: _____,
County Judge of Colorado County, Texas and successors in office

ISSUER: _____, a federally insured financial institution licensed to do business in the state of Texas, or other issuer acceptable to the Commissioners Court.

CUSTOMER:

AMOUNT OF SECURITY:

SUBDIVISION:

DATE OF POSTING:

EXPIRATION DATE: Three Years from Date of Credit

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

This Credit is conditioned on the performance of the duties of the CUSTOMER prior to the Expiration Date to provide for the construction and completion of the street and

drainage Improvements in the SUBDIVISION to current Colorado County Road and Drainage Standards and Specifications, so that the Improvements are performing to the Standards upon the approval of the construction of the Improvements.

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

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

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

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

| | |
|---------------------------|-------------------|
| ISSUER: | ADDRESS OF ISSUER |
| BY: _____ | _____ |
| NAME: _____ | _____ |
| TITLE: _____ | _____ |
| Authorized Representative | |

APPENDIX 3

LIMITED LAND DIVISIONS* IN COLORADO COUNTY

* **Caution: This is a simplified explanation of Limited Land Divisions; please consult the official rules for the exact wording.**

Divided property only. These rules only apply to property that is being divided. Example: If you have 5 acres and you are selling the entire 5 acres without dividing it, these rules do not apply, and Commissioners Court approval is not necessary.

Exempt property divisions. These rules do not apply to exempt property divisions that are listed below:

- Four or fewer lots for sale to certain family members¹
- Lots that are at least 10 acres with direct road access
- Lots for sale to Veterans through the Veterans' Land Board Association, with direct road access
- A division into two lots and one is retained by the owner (the new lot will be governed by these rules if it is further subdivided)
- Land within the extra-territorial jurisdiction of a city (The rules of the city apply; contact the city for information)
- Land that is to be used for agricultural use, farm, ranch, wildlife management, or timber production and the owner does not lay out streets, etc. for public use or purchaser's use
- The division of land for sale to an adjacent property owner
- The division of land for use as collateral

Approval required for non-exempt property. For the division of non-exempt property, Texas law requires that a landowner file an application and get a plat approved by the county or city having jurisdiction. Under Texas Property Code Sec. 12.002, the County Clerk cannot record your deed unless the property is either exempt or you have received proper approval by Commissioners Court or the municipality. If you file your deed without approval, it is a criminal offense with a penalty of up to 90 days in jail and a \$1,000 fine.

Rules apply to the person who divides the property. The person who wants to divide the property must apply for approval. Approval must take place before any part of the property is sold or given away.

Limited Land Divisions. Commissioners Court added this category to apply to small land divisions to make it easier on the person dividing the land and to speed up the process. A Limited Land Division has the following features:

- No extra fees required with a streamlined approval process
- Simplified platting by a surveyor showing the boundaries of lots, tracts, roads and easements.
- Four or fewer lots plus a remainder lot
- All lots are at least one acre

¹ **Third degree by consanguinity:** (1) parent or child (relatives in the first degree); (2) brother, sister, grandparent, or grandchild (relatives in the second degree); and (3) great-grandparent, great-grandchild, aunt who is a sister of a parent of the individual, uncle who is a brother of a parent of the individual, nephew who is a child of a brother or sister of the individual, or niece who is a child of a brother or sister of the individual (relatives in the third degree). **Third degree by affinity:** (1) anyone related by consanguinity to the individual's spouse in one of the ways named above; and (2) the spouse of anyone related to the individual by consanguinity in one of the ways named above.

- Easements are allowed if the deed includes all the following items regarding easements (for consumer protection reasons):
 - It is granted concurrent with the conveyance of the property; and
 - It is perpetual; and
 - It is appurtenant for use as a right-of-way upon and across certain real property leading to a public road with a legal description of said property including metes and bounds; and
 - It is at least 30 feet wide and suitable for motor vehicles with rubber tires
 - It is specified as exclusive or non-exclusive; and
 - It spells out who has the right, duty, or obligation to maintain the easement and to pay for the maintenance; and
 - It states whether either party has the right to construct fences, cattle guards, etc. along the sides of or within the easement; and
 - It has a metes and bounds description of the easement

Steps to take for a Limited Land Division. If you want to divide land that qualifies for a Limited Land Division you should do the following:

- Contact a surveyor to prepare a plat with the following requirements:
 - A title of “Limited Land Division”
 - North arrow, scale, date
 - Location of new lots in relation to original survey
 - At least two corners of the remainder tract
 - All new lots
 - Acreage and dimensions of all new lots
 - Bearings & dimensions of lot boundaries
 - Location and description of all easements
 - Buildings and ponds (approximate location)
 - Name and address of owner
 - Name and address of surveyor/engineer
 - Scale as appropriate, but not greater than 1 inch = 400 feet
 - Plat size: 8 ½ x 14 with ½ inch margin at the top and ¼ inch margin on both sides
 - Certification by Surveyor
 - FEMA Flood plain note with the Floodplain area and boundary shown
 - One original plat on twenty-pound bond paper for recording
 - 2 copies on standard bond paper
- Fill out the first two pages of the attached 4-page application; your surveyor should fill out the third page; leave the fourth page blank; it will be filled out if approval is granted.
- Attach one (1) original plat on twenty-pound bond paper and two (2) copies on standard bond paper to your application.
- File your 4-page Limited Land Division Application and the above attachments with the Colorado County Clerk’s Office, 400 Spring St., Room 103, Columbus, TX 78934
- Await approval by Commissioners Court.

**APPLICATION FOR LIMITED LAND DIVISION
IN COLORADO COUNTY, TEXAS**

Name of person(s) dividing property: _____

Address: _____

Work phone: _____ Home phone: _____

Precinct where property located: ____ Pct. Commissioner: _____

Size of Original Tract before division: _____ acres

Size of Remainder Tract after division: _____ acres

Size of each new lot: 1. _____ acres 2. _____ acres

 3. _____ acres 4. _____ acres

Surveyor's Name: _____

Surveyor's Address: _____

Surveyor's work phone: _____

Has there been a prior Limited Land Division of the Original Tract? _____

If so, state the number of tracts and date divided: _____

I am the owner of _____ acres of land (size of original tract) out of the _____ Survey, Abstract # _____, Colorado County, Texas, which was conveyed to me by deed, dated _____, _____, and recorded in Volume _____, Page _____, Colorado County Deed/Official Records.

I seek approval to subdivide _____ acres of land (total size of all new lots) out of the Original Survey, in accordance with the attached plat, subject to any and all easements or restrictions heretofore granted, and do hereby dedicate to the buyers or recipients of the property shown herein, the use of the streets and/or easements shown.

I understand that construction or other development within this Limited Land Division may not begin until all Colorado County development requirements have been met.

I understand that no structure in this Limited Land Division shall be occupied until:

1. it is connected to a public sewer system or to an on-site wastewater system, which has been approved and permitted by Colorado County; and
2. it is connected to an individual water supply, state-approved community

water system, or engineered rainwater collection system.

I understand that all drainage easements shall be kept clear of fences, buildings, plantings, and other obstructions to the operation and maintenance of the drainage facilities.

I further understand that this exemption from Colorado County Road Standards for this property division is based on the presumption of four (4) new lots or fewer. Any re-division that results in a greater number of lots may trigger a requirement that the road(s) be built according to the Colorado County Road and Drainage Standards and Specifications. I realize that Colorado County is under no obligation to pave the unpaved roads in the subdivision.

I represent that the new lots that are created by this Limited Land Division are not within the boundaries of any municipality's city limits or area of extra-territorial jurisdiction. (The extra-territorial jurisdiction is within 1/2 mile of a city of less than 5,000 people and within one mile of a city with a population between 5,000 and 24,999.)

This property has not been divided as a Limited Land Division in the last five years, and I further understand that I cannot further divide the above remainder tract as a Limited Land Division for five (5) more years from the date this plat is recorded.

Attached to this application are one (1) original plat on twenty-pound bond paper for recording and two (2) copies on standard bond paper.

Applicant's Signature

SWORN TO AND SUBSCRIBED before me on this the _____ day of _____, 20____.

Notary Public, State of Texas

Applicant's Signature

SWORN TO AND SUBSCRIBED before me on this the _____ day of _____, 20____.

Notary Public, State of Texas

CERTIFICATION BY SURVEYOR

I have provided one (1) original plat on twenty-pound bond paper for recording and two (2) copies on standard bond paper.

I hereby certify by the checkmark or "x" next to each item below that the plat that I have prepared includes the following:

- A title of "Limited Land Division"
- North arrow and date
- At least two corners of the remainder tract
- Location of new lots in relation to original survey
- Acreage and dimensions of all new lots
- Bearings & dimensions of lot boundaries
- Location and description of all easements
- Buildings and ponds (approximate location)
- Name and address of owner
- Name and address of surveyor/engineer
- Floodplain area and boundary
- Scale as appropriate, but not greater than 1 inch = 400 feet
- Plat size: 8 ½ x 14 with ½ inch margin at the top and ¼ inch margin on sides

- Certification by surveyor: "I, _____, a Texas Registered Professional Land Surveyor, certify that this plat has been prepared in accordance with the Subdivision Rules of Colorado County. All existing pipeline easements within the limits of the subdivision have been shown."

- FEMA Flood Plain Note: (one or the other)
 - "A portion of this land division lies within the boundaries of the 100 year flood plain as delineated on the FEMA Flood Insurance Rate Map of Colorado County, Community Panel # _____, dated _____." OR

 - "No portion of this land division lies within the boundaries of the 100 year flood plain as delineated on the FEMA Flood Insurance Rate Map of Colorado County, Community Panel # _____, dated _____."

SURVEYOR (print)

SURVEYOR (signature)

CERTIFICATE OF COUNTY APPROVAL

**STATE OF TEXAS
COUNTY OF COLORADO**

The undersigned, County Judge and County Clerk or Deputy County Clerk of Colorado County, Texas, hereby certifies that on the ____ day of _____, A.D., 20____, the Commissioners Court of Colorado County, Texas approved the foregoing Limited Land Division and authorized the filing for record of this plat, and said order has been duly entered in the minutes of the said Court in Volume _____, Page _____.

WITNESS MY HAND AND SEAL OF OFFICE this the ____ day of _____, 20____.

**COUNTY JUDGE
COLORADO COUNTY, TEXAS**

**COUNTY CLERK
COLORADO COUNTY, TEXAS**

By: _____
Deputy Clerk

CERTIFICATE OF RECORDING

**STATE OF TEXAS
COUNTY OF COLORADO**

As County Clerk or Deputy County Clerk of Colorado County, Texas, I do hereby certify that the foregoing instrument of writing was filed for record in my office on the ____ day of _____, 20____, and duly recorded on the ____ day of _____, 20____, in the Official Records of Colorado County, Texas, in Volume _____, Page _____.

COUNTY CLERK, COLORADO COUNTY, TEXAS

By: _____
Deputy Clerk

APPENDIX 4

QUICK REFERENCE CHART Platting Requirements Colorado County, Texas

This chart is for summary reference only. Users should refer to the Development Regulations / Subdivision Rules for complete requirements.

Two types of Plats:

- I. Limited Land Division – the simplest type
- II. Subdivision – the original regular subdivision under the Colorado County Rules

Summary Chart of Plats:

| | <u>Limited Land Division</u> | <u>Regular Subdivision</u> |
|-----------------------|-------------------------------------|--|
| Fees: | \$0 | \$350 + fee/lot (varies) |
| Contours: | None, but floodplain shown on plat | 5-foot unless floodplain or roads |
| Survey Req.: | Remainder not surveyed | All lots surveyed |
| Access by | | |
| Easem't: | Allowed, must meet rules | Not allowed |
| Lot Frontage: | Not required | 52.8 feet min. |
| Approval: | One submittal/hearing | Prelim. Plat and Final Plat required; Two submittals & hearings |
| Size: | 8-1/2 x 14 | 18 x 24 or as needed |
| Scale: | Appropriate scale, 1" = 400' max | 1" = 200' max unless authorized by Precinct Commissioner |
| Material: | Bond paper | Twenty-pound vellum |
| No. Copies: | 4 bond copies-review, 1 bond-record | 6 bond copies-review, 1 vellum-record |
| If Floodplain: | Area and boundary shown on plat | Contours and boundary required |
| If Roads: | Private only | Contours and constr. plans required |

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ROAD & DRAINAGE STANDARDS AND SPECIFICATIONS

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SECTION 1
DATE OF EFFECT AND APPLICABILITY

- 1.1** These standards and specifications, having been adopted by the Colorado County Commissioners Court by an Order of the Court on the 24th of July, 2000, are declared to be in and of effect for all subdivision road work commenced on or after the 24th day of July, 2000. These standards and specifications replace and supercede any and all guidelines, standards or specifications heretofore in effect in Colorado County, and shall be the sole basis of determining standards and specifications for Subdivisions commenced after July 24, 2000, unless a specific variance is granted by Order of the Court, or these standards and specifications are amended or replaced by the Court.

SECTION 2 GENERAL GUIDELINES

2.1 General Engineering Standards:

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

All roads shall consist of drainage facilities, subgrade, compacted flexible base material, and surface treatment, either Hot Mix Asphaltic Concrete (HMAC) or what is generally known as a "two course chip seal," unless otherwise specified by the County.

Drainage facilities shall be designed to convey a 10-year storm event with not more than 6" of water over the road in a 25-year storm event. All roads and streets shall be designed and constructed to withstand the impact of stormwater being impounded adjacent to and flowing over the road or street. Streets that cross areas of 100-year floodplain shall not increase the water surface level or change the floodplain limits.

2.2 General Review Requirements:

The Applicant must submit the following for review and approval:

- 2.2.1 A set of construction drawings for streets, site development, drainage, utilities, and roadway signage plan;
- 2.2.2 An engineer's drainage report providing the technical data related to drainage issues required for the review of the proposed project. The report must be signed and sealed by the same engineer who prepared the construction plans.
- 2.2.3 A copy of a geotechnical report, signed and sealed by a registered professional engineer, establishing pavement design standards based on American Association of State Highway and Transportation Officials (AASHTO) pavement thickness design for a full 20-year life;
- 2.2.4 Temporary and permanent erosion and sedimentation control methods for all areas disturbed by the construction; and
- 2.2.5 An engineer's construction cost estimate signed and sealed by the same engineer who prepared the construction plans.

In addition, an engineer's summary letter shall be submitted outlining the nature of the project and any requests for the use of design standards other than those outlined herein.

2.3 Engineer's Construction Plan Requirements:

2.3.1 Cover Sheet. Show the following:

- (a) Subdivision Name
- (b) Legal description of property.
- (c) Name, address, and phone number of Owner, surveyor and engineering firm that prepared the plans.
- (d) North arrow.
- (e) Name of watershed.
- (f) Project location map, clearly identifying the precise construction location.

- (g) Tabulation sheet index.
- (h) Legible Professional Engineer's seal and signature.
- (i) The following note: "The Engineer who prepared these plans is responsible for their adequacy. In approving these plans, Colorado County must rely upon the adequacy of the work of the design engineer."
- (j) The following note: "I, _____, a Texas Registered Professional Engineer, certify that these plans are prepared in accordance with the Road and Drainage Standards of Colorado County."

2.3.2 Notes Sheet. Show the following:

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

2.3.3 Erosion and Sedimentation Control Sheets. Show the following:

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

2.3.4 Drainage Layout Sheets. Show the following:

- (a) Scale, north arrow, and legend.
- (b) Drainage layout of the subdivision or area of construction, distinguishable line delineating the limits of construction.
- (c) Existing adjoining street layout or other property adjacent to the project, including adjacent subdivision names.
- (d) Location of all existing drainage structures on or adjacent to the project.
- (e) Street names, lot, and block numbers and right-of-way lines.
- (f) Existing contours at two-foot minimal intervals.
- (g) Show entire upstream drainage areas, existing drainage areas, and proposed drainage areas based on improvements and final grading.
- (h) Size in acres, Runoff coefficient (C), and Time of Concentration (Tc) for each drainage area based on pre- and post-development conditions.
- (i) Arrows indicating drainage flow direction for streets and lots.
- (j) All high and low points.

- (k) Proposed drainage facilities.
- (l) All existing and proposed drainage easements as per Final Plat or by separate instrument, including volume and page information.
- (m) Existing and proposed 100-year flood plains for all waterways.
- (n) Clearly show limits of construction.
- (o) Location of applicable city limits, governmental entity, or County lines.
- (p) Legible Professional Engineer's seal and signature.

2.3.5 Street Plan and Profile Sheets.

- (a) Plan. Show the following.
 - (1) The street name.
 - (2) Scale, north arrow, and legend.
 - (3) Stationing south to north or west to east with street layout directly over the profile stationing.
 - (4) Right-of-way and paving dimensions.
 - (5) Lot numbers, block numbers, and frontage dimensions.
 - (6) Street names within respective right-of-way.
 - (7) Existing or proposed easements and intersecting right-of-way.
 - (8) Centerline "TIC" marks every 50 feet.
 - (9) Drainage facilities within or intersecting right-of-way and indicate stationing on both sides of structure.
 - (10) Match lines on street plan sheets for continuation of streets on other sheets.
 - (11) Show proposed tie-in to existing streets.
 - (12) Sheet numbers for intersecting streets, and show full intersection, provide dimensions, and give street names.
 - (13) Plan view must transpose directly above profiles stationing when possible. (Station limits shown on the plan view must be the same as the station limits shown on the profile.)
 - (14) Clearly show the beginning and ending of the project.
 - (15) Clearly show all points of curvature (PC), points of tangency (PT), points of intersection (PI), and all relevant curve data with their corresponding station.
 - (16) Legible Professional Engineer's seal and signature.
- (b) Profile. Show the following.
 - (1) Scale and legend.
 - (2) Even stations on vertical division lines.
 - (3) Even elevations on horizontal division lines (in right and left margins).
 - (4) Natural ground profiles at left and right right-of-way and street centerline.
 - (5) Proposed bar ditch flow lines.
 - (6) Identify and give elevations at all points of curvature (PC), points of tangency (PT), points of intersection (PI), vertical curve beginning points (PVC), vertical curve ending points (PVT), and vertical curve points of intersection (PVI).
 - (7) Label all vertical curves with the following information: curve length, PVI station and elevation, tangent intercept, tangents and tangent grades, and design "K" values.

2.3.6 Construction Detail Sheets. Show the following:

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

2.3.7 Traffic Control Plan Sheet.

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

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

2.3.8 Roadway Signing and Striping Plan Sheet.

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

- (a) Street plan showing the locations of all traffic control devices including signs, striping, and pavement markers.
- (b) All traffic control devices shall be fabricated and installed in accordance with the requirements of the *Texas Manual on Uniform Traffic Control Devices*.
- (c) Legible Professional Engineer's seal and signature.

2.3.9 Utility Plans.

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

2.4 Engineer's Drainage Report Requirements:

2.4.1 The name of the subdivision or project.

2.4.2 The name and address and phone number of the engineering firm which prepared the report and the name of the design engineer.

2.4.3 A brief description of the scope of the project, including the name and classification of the relevant watershed.

2.4.4 A brief description of the Hydrologic Model (Rational Method, SCS, HEC 1, etc.) used and

an explanation on why that model was chosen.

2.4.5 Provide the following for each drainage area:

- (a) Area in acres (A)
- (b) Time of Concentration (T_c) in minutes based on pre- and post-development conditions.
- (c) Rainfall Intensity (I) for the 2-year, 10-year, 25-year, and 100-year events. (I_2 , I_{10} , I_{25} , and I_{100})
- (d) Runoff Coefficient (C) for the 2-year, 10-year, 25-year, and 100-year events. (C_2 , C_{10} , C_{25} , and C_{100}) based on pre- and post-development conditions. Or SCS curve number depending on hydrologic model used.
- (e) Runoff flow volumes (Q) for the 2-year, 10-year, 25-year, and 100-year events. (Q_2 , Q_{10} , Q_{25} , and Q_{100})

2.4.6 If a computerized model is used provide printouts of the model's input and output. Otherwise clearly show all pertinent calculations.

2.4.7 All relevant culvert design calculations.

2.4.8 All relevant detention pond design calculations.

2.4.9 Legible Professional Engineer's seal and signature.

2.5 Street and Drainage Design Criteria:

The classification and construction standards for all streets shall be determined according to the Average Daily Traffic anticipated for the streets. The standards for paved streets are summarized in Table 2.5.1. In the absence of a traffic impact analysis with detailed average daily traffic counts (ADT), average daily traffic of 10 car trips per day per subdivision lot served for road design and equivalent average daily trips (EAD) for 18-kip single axle load applications should be assumed for pavement design.

Subdivision streets, collector streets, and/or arterial streets, created by the developers of new subdivisions, which exceed the traffic assumptions described here may be subject to different or additional specifications based on the sole discretion of the Commissioners Court. These specifications will be determined on a case by case basis, based on good engineering principles and the standards provided for in the Texas Transportation Code and Chapter 232 of the Texas Local Government Code. Applicants who determine that their project is likely to exceed the traffic assumptions laid out in Section 2.5, should prepare a proposed roadway plan that would adequately address the projected traffic load, and should apply in writing for a meeting with their Precinct Commissioner, who may wish to confer with the County's consulting engineers. A Legible Professional Engineer's seal and signature is required on each page of the proposed roadway plan. The Precinct Commissioner will place the issue on the Commissioners Court agenda for a resolution of approval.

Table 2.5.1

Summary of Colorado County Road Standards

| Average Daily Traffic (one-way trips) ² | ≤100 ¹⁰ | 101-2500 | 2501-5000 | > 5000 |
|--|---------------------------|---------------------|---------------------|-----------------------|
| Functional Classification | Neighborhood | Local | Collector | Arterial ⁸ |
| Design Speed | 25 mph | 35 mph | 45 mph | |
| Number of Lanes | 2 | 2 | 2 | |
| Right-of-Way Width ³ | 50' | 60' | 70' | |
| Minimum Lane Width | 10' | 11' | 12' | |
| Minimum Centerline Radius ⁹ | 225' | 450' | 750' | |
| Minimum Tangent Length (between Reverse or Compound Curves) | 175' | 375' | 675' | |
| Minimum Radius (Edge of Pavement at Intersections) | 25' | 25' | 25' | |
| Intersection Street Angle | 80-100 ^o | 80-100 ^o | 80-100 ^o | |
| Maximum Grade ^{4,5} | 11% | 10% | 9% | |
| Minimum Centerline Offset (at Adjacent Intersections) | 125' | 125' | 125' | |
| Minimum Stopping Sight Distance | 175' | 250' | 350' | |
| Minimum Intersection Sight Distance | 250' | 350' | 450' | |
| Steepest Ditch Foreslope Grade ⁶ | 3:1 | 4:1 | 4:1 | |
| Guardrail Requirement ⁷ | | | | |
| Minimum Cul-de-Sac ROW Radius | 60' | 60' | 60' | |
| Minimum. Cul-de-Sac Pavement Radius | 45' | 45' | 45' | |
| Minimum Lot Frontage | 100' | 100' | 150' | |
| Minimum Driveway Spacing | 52.8' | 52.8' | 52.8' | |

¹ Any Deviation from these standards must be approved by the Commisioner's Court.

² Lots restricted by plat note to one single family residence shall be presumed to generate 10 trips per day. Average daily traffic for all other lots shall be determined on a case-by-case basis.

³ Revegetation of disturbed areas within the new roads right-of-way is required.

⁴ Occasional short runs between intersections may exceed the amounts shown, with written approval from the Precinct Commissioner, maximum grades through intersections should not exceed the amounts shown.

⁵ No Cul-de-Sac shall have a cross slope that exceeds 6%.

⁶ The entire ditch shall be totally contained within the road right-of-way or a dedicated drainage easement.

⁷ Guardrails will be required wherever the ditch depth exceeds the given amount, from edge of shoulder to the bottom of the ditch.

⁸ All elements including geometric layout and cross-section shall be approved on a case-by-case basis.

⁹ Superelevation minimum requirement is 0.04. Any deviation should meet the more restrictive AASHTO or TxDot Standards and requires the approval of the Precinct Commissioner or his Designated Agent.

¹⁰ All lots must be greater than 10 acres and restricted by plat note against further resubdivision.

SECTION 3 SPECIFICATIONS FOR PAVING AND DRAINAGE IMPROVEMENTS

3.1 Excavation and Subgrade Preparation

3.1.1 Description: The work to be performed under this specification will consist of excavation and grading necessary for the preparation of the road-bed subgrade, roadside and drainage ditches, and shall include the removal and satisfactory disposal of all trees, shrubs, brush, rock and other debris being cleared within the right-of-way.

3.1.2 Construction Methods: After the site of the work has been properly cleared, the excavation and grading may proceed in conformity with the plans and specifications, and as directed by the Precinct Commissioner or Designated Agent.

When required by the plans and specifications, selected materials from the excavation shall be utilized to improve the subgrade, in which case the work shall be performed in such manner and sequence that suitable materials may be selected, removed separately and deposited in the roadway within the limits and to the required elevations.

If unsuitable subgrade material is encountered, this material shall be excavated to a depth as required by the Precinct Commissioner or Designated Agent and suitable material from the project used to construct the subgrade.

Care shall be exercised so as not to disturb the natural ground below the compacted subgrade limits except for the construction of structures, or when so ordered by the Precinct Commissioner or Designated Agent.

The finished grades, slopes and edges of the excavation shall be backfilled where necessary, using select materials thoroughly compacted and dressed off uniformly in a neat and workmanlike manner.

The Contractor shall at all times make ample provisions for completely and readily draining the subgrades and excavation.

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

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

3.2 Embankment

3.2.1 Description: Embankments or fills shall be constructed at the locations and to the lines and grades indicated on the drawings, or as established. Materials placed in fill shall be free from all vegetable matter, trash, and stone having a maximum dimension greater than six inches.

3.2.2 Construction Methods: Embankments shall be formed of excavated materials placed in successive layers of such widths and lengths as are suited to the sprinkling and compaction method utilized. Embankments shall be constructed in layers not exceeding six inches in thickness after compaction.

The Contractor shall add moisture to or shall dry by aeration, each layer as may be necessary to meet the requirements of this specification for compaction. The addition of moisture to or drying by aeration of, each layer, shall be accompanied with thorough mixing so as to bring all material in each layer to a uniform moisture content.

Compaction shall be accomplished with tamping rollers, discs, and pneumatic rollers. Soft areas that develop under construction operations shall be scarified, aerated or moistened as required, and compacted to the full depth required to obtain the specified density for each layer. Portions of embankments which are too near adjacent walls, pavements or other fixed objects to permit use of the above specified rolling equipment for compacting, and other portions which the roller cannot reach for any reason, shall be thoroughly compacted by tamping in two-inch layers with mechanical tampers or other equipment as approved by the Precinct Commissioner or Designated Agent.

Any damage to adjacent walls, pavements or other fixed objects, shall be replaced or repaired at the expense of the Contractor.

All road subgrade and embankments shall be compacted to a minimum density of ninety-five percent (95%) AASHTO T-99, Method D.

3.3 Flexible Base

3.3.1 Description: This item shall consist of a foundation course for the asphaltic concrete or other paving, and shall be composed of crushed or uncrushed material constructed as herein specified in one or more courses in conformity with the typical sections shown on the plans and to the lines and grades established. This item may be used as the finished pavement in streets classified as Neighborhood Streets as defined in these Standards.

3.3.2 Materials: The flexible base shall be constructed of material from an approved source. Stabilization shall be provided as necessary. The material shall consist of durable stone particles mixed with an approved binding material, meeting the following requirements:

| | |
|--------------------------|------------|
| Retained on 1 3/4" sieve | 0% to 10% |
| Retained on No. 4 sieve | 30% to 75% |
| Retained on No. 40 sieve | 60% to 85% |

The material passing the #40 sieve shall be known as "soil binder" and shall meet the following requirements:

- Liquid limit shall not exceed 40
- Plasticity index shall not exceed 12

The base material proposed to be used shall be tested by an approved soils testing laboratory and the results of the test shall be submitted to the Precinct Commissioner or Designated Agent prior to use of the material.

- 3.3.3 Construction Methods: The base material shall be placed on the prepared subgrade in uniform courses with the compacted thickness to be no more than 12 inches nor less than 8 inches. Material deposited on the subgrade shall be spread and shaped the same day unless otherwise directed by the Precinct Commissioner or Designated Agent. The course shall then be sprinkled as required and rolled as directed until a uniform compaction is secured. Through this entire operation, the shape of the course shall be maintained by blading and the surface, upon completion, shall be smooth and in conformance with the typical sections shown on the plans and to the established lines and grades. All irregularities, depressions or weak spots which develop shall be corrected immediately by scarifying the area affected, adding suitable material as required, and reshaping and recompacting by sprinkling and rolling. Material excavated in preparation of the subgrade may be utilized in the construction of adjacent shoulders and slopes or otherwise disposed of as directed. Any additional material required for the completion of the shoulders and slopes shall be secured from approved sources designated by the Precinct Commissioner or Designated Agent. Each course of base shall be compacted to a minimum density of 100 percent (100%), according to TxDot Test Method Tex-113-E. After final compaction, a field density test shall be required at intervals no less than 300 feet, at locations representative of the entire road base. Intermediate points will be tested if required by the Precinct Commissioner or Designated Agent. The cost of these tests shall be borne by the Subdivider.
- 3.3.4 Thickness Control: The thickness of the compacted flexible base may vary from a maximum of 1/2 inch less than specified to a maximum of 1 inch more than specified. Deviations not within this tolerance shall be corrected.
- 3.3.5 Inspection: Prior to the installation of the paving, the compacted base material shall be inspected by the Precinct Commissioner or Designated Agent. The Owner or agent shall notify the Precinct Commissioner or Designated Agent forty-eight (48) hours prior to the time when the inspection is needed.

3.4 Two Course Surface Treatment

- 3.4.1 Description: This item shall consist of a wearing surface composed of two applications of asphaltic material, each covered with aggregate constructed on the prepared base course as herein specified and in accordance with the details shown on the plans. All specifications in this item shall be in conformance with the Texas Highway Department Standard Specifications for Construction of Highways, Streets, and Bridges, herein referred to as TxDot 1993 Highway Standards.

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

3.4.2 Materials:

Aggregates are to be composed of sound and durable particles of gravel, crushed gravel, crushed stone, crushed slag, or natural rock. These materials shall contain not more than one percent (1%) by weight of organic matter other than native bitumen, clays, loam or pebbles coated therewith and shall not contain more than five percent (5%) by weight of any combination of slate, shale, or soft particles of sandstone when tested in accordance with Test Method TEX-217-F. The per cent of wear on natural rock asphalt as determined by Test Method TEX-410-A shall be made on that portion of the material

retained on the No. 4 sieve, having naturally impregnated asphalt content of less than one percent (1%). When tested by Test Method TEX-200-F the percent by weight shall be as follows:

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

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

| | |
|---------|---------------------------------|
| Grade 4 | Retained on 5/8" sieve 0 |
| | Retained on 1/2" sieve 0-2 |
| | Retained on 3/8" sieve 20-35 |
| | Retained on No. 4 sieve 95-100 |
| | Retained on No. 10 sieve 99-100 |

Application Rate-Min. 1 cubic yard covers 90 square yard, (1:90), max 1 cubic yard covers 110 square yard, (1:110). Asphaltic materials shall be AC-5 Asphaltic Cement or HFRS-2 High Float Anionic Emulsion as specified by item 300 of TxDot 1993 Standard Specifications. Application temperature for AC-5 shall be between 275 degrees F and 325 degrees F and for HFRS-2 shall be between 110 degrees F and 150 degrees F. Rate of application shall be 0.35 - 0.45 gallons per square yard for the first course and 0.25-0.35 gallons per square yard for the second course. HFRS-2, if used, shall be applied at the upper end of these application rates.

3.4.3 Construction Methods: The area to be treated shall be cleaned of dirt, dust, or other deleterious matter by sweeping or other approved methods. If it is found necessary by the Precinct Commissioner or Designated Agent, the surface shall be lightly sprinkled with water just prior to the first application of asphaltic material.

Asphaltic material of the type and grade shown on the plans for the first course shall be applied on the clean surface by an approved type of self-propelled pressure distributor so operated as to distribute the material in the quantity specified, evenly and smoothly, under a pressure necessary for proper distribution. The Contractor shall provide all necessary facilities for determining the temperature of the asphaltic material in all of the heating equipment and in the distributor, for determining the rate at which it is applied, and for securing uniformity at the junction of two distributor loads. The distributor shall have been recently calibrated and the Precinct Commissioner or Designated Agent shall be furnished an accurate and satisfactory record of such calibration. After beginning work, should the yield of the asphalt material appear to be in error, the distributor shall be recalibrated in a manner satisfactory to the Precinct Commissioner or Designated Agent before proceeding with the work.

Asphaltic material for each course may be applied for the full width of the surface treatment in one application, unless the width exceeds twenty-six feet (26'). No traffic or hauling will be permitted over the freshly applied asphaltic material until immediate covering is assured.

Aggregate, of the type and grade shown on the plans for the first course, shall be immediately and uniformly applied and spread by an approved self-propelled continuous feed aggregate spreader, unless otherwise shown on the plans or authorized by the Precinct Commissioner or Designated Agent in writing. The aggregate shall be applied at the approximate rates indicated on the plans and as directed by the Precinct Commissioner or

Designated Agent. The Contractor shall be responsible for the maintenance of the surface of the first course until the second course is applied.

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

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

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

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

The Contractor shall be responsible for the maintenance of the surface until the work is accepted by the Precinct Commissioner or Designated Agent.

The Contractor shall be responsible for the proper preparation of all stockpile areas before aggregates are placed thereon, including leveling and cleaning of debris necessary for the protection of the aggregate to prevent any contamination thereof.

All storage tanks, piping, retorts, booster tanks and distributors used in storing or handling asphaltic materials shall be kept clean and in good operating condition at all times and they shall be operated in such manner that there will be no contamination of the asphaltic material with foreign material. It shall be the responsibility of the Contractor to provide and maintain in good working order a recording thermometer at the storage heating utility at all times.

3.5 Hot Asphaltic Concrete Pavement

3.5.1 Description: This item shall consist of a surface course to be composed of a compacted mixture of aggregate and asphaltic material to be constructed on the previously complete base as herein specified, and in accordance with the details shown on the plans. All specifications in this item are in accordance with the TxDot 1993 Standard Specifications for Construction of Highways, Streets, Bridges, referred to as TxDot 1993 Standard Specifications or Subsequent TxDot Standards.

3.5.2 Materials: Pavement shall meet the requirements of the TxDot 1993 Standard Specifications or Subsequent TxDot Standards for item 340, hot Mix Asphaltic Concrete Pavement (Class A), Type "D" as follows:

Type "D" (Fine Graded Surface Course):

| | Percent by Weight |
|---|-------------------|
| Passing 1/2" Sieve | 100% |
| Passing 3/8" Sieve | 95 to 100% |
| Passing 3/8" Sieve, Retained on No. 4 Sieve | 20 to 50% |
| Total Remaining on No. 10 Sieve | 50 to 70% |
| Passing No. 10 Sieve, Retained on No. 40 Sieve | 0 to 30% |
| Passing No. 40 sieve, Retained on No. 80 Sieve | 4 to 25% |
| Passing No. 80 Sieve, Retained on No. 200 Sieve | 3 to 25% |
| Passing No. 200 Sieve | 1 to 8% |

The asphaltic material shall form from 4.0 percent to 8.0 percent of the mixture by weight unless specified otherwise on the plans.

Asphalt for the pavement mixture shall be asphalt cement (AC-5 or AC-10) which shall meet the requirements of the TxDot 1993 Standard Specifications or Subsequent TxDot Standards, item 300.

The asphalt materials for tack coat shall meet the requirements for cut back asphalt, RC-250. Asphalt for prime coat shall be MC-30, AEP or SS-1. All asphalt materials shall meet the requirements fo TxDot 1993 Standard Specifications or Subsequent TxDot Standards, Item 300.

The Coarse and Fine Aggregates shall meet the requirements of the TxDot 1993 Standard Specifications or Subsequent TxDot Standards, Section 340.2.

- 3.5.3 Construction Methods: Before the asphaltic concrete is placed, the surface on which the mixture is to be placed shall be thoroughly cleaned and the prime coat of MC-30, AEP or SS-1 applied as directed with sprayer at the rate of 0.20 gallons minimum per square yard of surface. The asphaltic concrete mixture, heated and prepared as specified, shall be hauled to the project in tight vehicles previously cleaned of all foreign material. The mixture shall be at a temperature of 200° F to 235°F when laid. The Precinct Commissioner or Designated Agent will determine the lowest temperature and a variance of 30 degrees F upward will be allowed. It shall be spread into place with an approved mechanical finishing machine to the compacted depth shown on the plans. Minimum thickness standard for Hot Mix Asphaltic Cement, if selected, to be not less than one and one-half inches (1 1/2") after compaction. The finishing machine shall be of the screeding and/or tamping type. While still hot, as soon as it will bear the roller without undue displacement or hair cracking, the surface shall first be compressed thoroughly and uniformly with acceptable power-driven three wheel of tandem rollers weighing from 8 to 10 tons. Subsequent compression shall be obtained by starting at the sides and rolling longitudinally toward the center of the pavement, over-lapping on successive trips by at least one-half (1/2) of the width of the rear wheels. Alternate trips of the roller shall be slightly different in lengths. Rolling shall be continued until no further compression can be obtained and all roller marks are eliminated. To prevent adhesions of the surfacing mixture to the roller, the wheels shall be kept properly moistened with water, but excess use of

water will not be permitted. A double coverage surface after flat wheel and tandem rolling has been completed. Along curbs, headers, and similar structures, and at all places not accessible to the roller, the mixture shall be compacted thoroughly with lightly oiled hand tamp. The completed surface, when tested with a ten (10) foot straight-edge laid parallel to the centerline of the roadway, shall have a maximum ordinate measured from the face of the straight-edge not to exceed one-eighth inch (1/8) at any point. Approved templates shall be furnished by the Contractor for checking subgrade and finished sections. The templates shall be of such strength and rigidity that if the support is transferred to the center there will not be a deflection of more than one-eighth inch (1/8”).

3.5.4 Equipment:

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

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

The Cold Aggregates Bin and the Proportioning Device, Dryer, Screens, Aggregate Weight Box and Batching Scales, Mixer, Asphalt Storage and Heating Devices, Asphalt Measuring Devices, and Truck Scales if used, shall be of the type to adequately supply materials within the tolerances set out in these specifications.

The aggregate shall be separated into at least three bins for type “D” as specified herein. Bin No. 1 will contain aggregates of which 90 to 100% by weight will pass the No. 10 sieve. Bin No. 2 will contain aggregates of which at least 85% by weight will be of such size as to pass the ¼” sieve and be retained on the No. 10 sieve. Bin No. 3 will contain aggregates of which 85% by weight will be such size as to pass the ½” sieve and be retained on the No. 4 sieve.

3.5.5 Testing: The Contractor, at his expense, shall employ a commercial testing laboratory approved by the Precinct Commissioner or Designated Agent to conduct the required material checks and design the mix. During the production of the plant mix, the Contractor will provide, at his expense, continuous inspection and testing at the plant by a commercial testing laboratory approved by the Precinct Commissioner or Designated Agent. Minimum density in place should reach 90%.

3.5.6 Construction Methods: Before the asphaltic concrete is placed, the surface on which the mixture is to be placed shall be thoroughly cleaned and the prime coat of MC-30, SS-1 or AEP applied as directed with sprayer at the rate of 0.20 gallons minimum per square yard of surface.

3.6 Concrete Pavement

3.6.1 Description: This item shall be to the standards of a the recommendation of a Registered Professional Engineer who conducts a geotechnical study and shall meet the criteria of 2.2.2 of these Standards.

3.6.2 Materials: Concrete streets shall have concrete culverts.

3.7 Drainage Facilities

3.7.1 Description: This item shall govern the furnishing of all drainage culvert pipe, concrete headwalls, and reflector posts as shown on the Plans and herein specified, and installing the same as designated on the Plans or by the Precinct Commissioner or Designated Agent in conformity with the lines and grades given.

3.7.2 Materials: The culvert pipe shall be of size, length, and gauge as shown on the engineered plans. Corrugated aluminized steel pipe shall be as specified by item 460 of the TxDot 1993 Standard Specifications or Subsequent TxDot Standards. Reinforced concrete pipe shall be as specified by Item 464 of the same. All pipe shall be new and unused and shall not have been damaged by handling or shipping.

Reflector posts shall be 1 1/2 inch schedule 20, galvanized steel posts equipped with 3 inch amber reflectors. The length of the post shall be adequate to place the reflector assembly 48 inches above the centerline elevation of the street and anchor the post approximately 48 inches into the ground.

Concrete headwalls and/or rip-rap shall be constructed of 3000 psi, five sack, concrete meeting the requirements of Item 421 of TxDot 1993 Standard Specifications or Subsequent TxDot Standards reinforced with deformed bars or wire mesh meeting the requirements of Item 440 of same. All headwalls and/or rip-rap shall be of the dimensions and in the locations shown on the plans.

3.7.3 Construction Methods: Culvert pipe shall be installed to the lines and grades shown on the Plan or as specified by the Precinct Commissioner or Designated Agent. The pipe shall be bedded along its complete length and the backfill around the pipe shall be compacted. The installation of all culvert pipes shall be in general conformance with the appropriate sections of the TxDot 1993 Standard Specifications or Subsequent TxDot Standards. All culvert pipes located at street intersections shall be provided with reflector posts. The reflector post shall be equipped with one reflector facing in each direction of traffic flow. Reflector posts shall be provided on the ends of the concrete headwalls or rip-rap as shown on the Plans. The concrete headwalls or rip-rap shall be of the dimensions and at the locations shown on the plans. The headwalls shall be formed on their exposed surfaces, which shall be grouted and broom finished upon removal of the forms.

3.7.4 Culverts: Culvert pipe shall be clean and free of debris.

3.8 Channel Excavation

3.8.1 Description: Channel Excavation shall consist of required excavation for all channels, the removal and proper utilization or disposal of all excavated materials, and constructing, shaping and finishing of all earthwork involved in conformity with the required lines, grades and typical cross sections and in accordance with the specifications and requirements herein outlined. Excavated topsoil can be used in accordance with County standards. It is the responsibility of the contractor to dispose of excavated trash in accordance with County standards.

3.8.2 Construction Methods: All suitable materials removed from the excavation shall be used, insofar as practicable, in the formation of embankments as required, or shall be otherwise utilized or satisfactorily disposed of as indicated on plans, or as directed, and completed

work shall conform to the established alignment, grades and cross sections. During construction, the channel shall be kept drained, insofar as practicable, and the work shall be prosecuted in a neat and workmanlike manner.

Unsuitable channel excavation, or excavation in excess of that needed for construction, shall be known as "Waste" and shall become the property of the Contractor to be disposed of by him.

Channel Excavation shall include the removal and replacement of all fence lines crossing the channels and the installation of gates and water gaps as shown on the plans.

All channels and that area adjacent to the area which has been disturbed by construction equipment shall be seeded with Bermuda grass or other grass as approved by the Precinct Commissioner or Designated Agent at the rate of eight pounds per acre (8 lb/ac). Seeding shall conform to item 164 of the TxDot 1993 Standard Specifications or subsequent TxDot Standards.

3.9 Miscellaneous

3.9.1 Signage: Street name signs, traffic control signs, speed limit signs, etc., shall all conform to the requirements of the TxDot 1993 Standard Specifications or Subsequent TxDot Standards and the "Uniform Manual of Traffic Control Devices".

For all developments proposing new street construction, the developer's engineer shall provide - as part of the construction plans - a narrative statement in recordable format, to be recorded with the Final Plat, listing the type and location of all proposed signs for directing and controlling traffic.

The Developer or Subdivider shall put all traffic signs in place, or, at the sole discretion of the Precinct Commissioner, the County may elect to install the signs, in which case the Developer or Subdivider shall pay the County the estimated actual cost of the signs plus a reasonable amount for the estimated actual cost of county labor.

3.9.2 Completion Certificate: At the time a final inspection and release of construction security is requested, the design engineer shall provide a complete set of "as-built" construction drawings and shall certify that all road and drainage construction has been completed in substantial accordance with previously approved plans and specifications, except as noted; and the design engineer shall also certify that the approved signage plan has been put into place. No performance security will be released without this exhibit.

3.9.2 Equivalency: All provisions of these regulations are intended to allow for the use of equal or better materials and methods. It is the responsibility of the design engineer and engineer certifying the geotechnical report to demonstrate that all provisions in these standards are met or exceeded by the alternate materials and methods to the satisfaction of the Commissioners Court or Designated Agent of the Commissioners Court.

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APPLICATIONS & CHECKLISTS

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UTILITY CHECKLIST

for Colorado County, Texas

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

UTILITY CHECKLIST INSTRUCTIONS:

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

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

Signature: _____ Title: _____

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

Signature: _____ Title: _____

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

Signature: _____ Title: _____

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

Signature: _____ Title: _____

TEXAS DEPARTMENT OF TRANSPORTATION (If frontage on state-maintained roadway):
Contact Name: _____

SUBDIVISION APPLICATION
for Colorado County, Texas

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

PROPOSED NAME OF SUBDIVISION: _____

PRECINCT IN WHICH THE SUBDIVISION LIES: _____

PRECINCT COMMISSIONER: _____

NAME OF PROPERTY OWNER: _____

Address: _____

Telephone No: _____

NAME OF APPLICANT: _____

Company: _____

Address: _____

Telephone No: _____

DATE PLAT FILED: _____

TOTAL ACREAGE OF DEVELOPMENT: _____

INTENDED USE OF LOTS:

Residential: _____ Commercial/Industrial: _____

TOTAL NUMBER OF LOTS: _____

FRONTAGE ON EXISTING ROAD:

COUNTY ROAD: _____

STATE ROAD: _____

OTHER ROAD: _____

IS THERE FLOODPLAIN WITHIN SUBDIVISION BOUNDARY?

YES: _____ NO: _____

SCHOOL DISTRICT(S): _____

NEW ROADS IN DEVELOPMENT:

PUBLIC ROADS: _____

PRIVATE ROADS: _____

SOURCE OF WATER: _____

(PUBLIC WATER SUPPLY, RAINWATER CATCHMENT, PRIVATE WELL, SHARED WELL)

ANTICIPATED WASTEWATER SYSTEM: _____

(CONVENTIONAL SEPTIC SYSTEM, CLASS I PERMITTED SYSTEM, COLLECTIVE SANITARY SEWER)

FINAL PLAT WITH STREETS OR DRAINAGE IMPROVEMENTS ONLY

FISCAL SECURITY TYPE: _____

FISCAL SECURITY EXPIRATION DATE (if applicable): _____

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

**INFRASTRUCTURE DEVELOPMENT PLAN AND FINAL SURVEY
APPLICATION
for Colorado County, Texas**

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

PROPOSED NAME OF MANUFACTURED HOME RENTAL COMMUNITY: _____

PRECINCT IN WHICH THE MHRC LIES: _____

PRECINCT COMMISSIONER: _____

NAME OF PROPERTY OWNER: _____

Address: _____

Telephone No: _____

NAME OF APPLICANT: _____

Company: _____

Address: _____

Telephone No: _____

DATE APPLICATION FILED: _____

TOTAL ACREAGE OF MHRC: _____

FRONTAGE ON EXISTING ROAD:

COUNTY ROAD: _____

STATE ROAD: _____

OTHER ROAD: _____

CITY ETJ: _____(no) _____(yes) City Name: _____

IS THERE FLOODPLAIN WITHIN MHRC BOUNDARY?

YES: _____ NO: _____

SCHOOL DISTRICT(S): _____

SOURCE OF WATER: _____

(PUBLIC WATER SUPPLY, RAINWATER CATCHMENT, PRIVATE WELL, SHARED WELL)

ANTICIPATED WASTEWATER SYSTEM: _____

(CONVENTIONAL SEPTIC SYSTEM, CLASS I PERMITTED SYSTEM, COLLECTIVE SANITARY SEWER)

INFRASTRUCTURE PLAN WITH STREETS OR DRAINAGE IMPROVEMENTS ONLY

FISCAL SECURITY TYPE: _____

FISCAL SECURITY EXPIRATION DATE (if applicable): _____

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

**FINAL SURVEY APPLICATION
for Colorado County, Texas**

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

PROPOSED NAME OF MANUFACTURED HOME RENTAL COMMUNITY:

PRECINCT IN WHICH THE MHRC LIES: _____

PRECINCT COMMISSIONER: _____

NAME OF PROPERTY OWNER: _____

Address: _____

Telephone No: _____

NAME OF APPLICANT: _____

Company: _____

Address: _____

Telephone No: _____

DATE APPLICATION FILED: _____

TOTAL ACREAGE OF MHRC: _____

INTENDED USE OF SPACES:

Residential: _____ Commercial/Industrial: _____

TOTAL NUMBER OF SPACES: _____ SMALLEST SQUARE FOOTAGE: _____

FRONTAGE ON EXISTING ROAD:

COUNTY ROAD: _____

STATE ROAD: _____

OTHER ROAD: _____

CITY ETJ: _____(no) _____(yes) City Name: _____

IS THERE FLOODPLAIN WITHIN MHRC BOUNDARY?

YES: _____ NO: _____

SCHOOL DISTRICT(S): _____

SOURCE OF WATER: _____

(PUBLIC WATER SUPPLY, RAINWATER CATCHMENT, PRIVATE WELL, SHARED WELL)

ANTICIPATED WASTEWATER SYSTEM: _____

(CONVENTIONAL SEPTIC SYSTEM, CLASS I PERMITTED SYSTEM, COLLECTIVE SANITARY SEWER)

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

Preliminary Plat Checklist
Colorado County, Texas

SUBDIVISION NAME: _____

APPLICATION MATERIALS:

- Three (3) blue line copies of plat
- Application fees
- Completed subdivision application
- Letter of water/wastewater availability

GENERAL INFORMATION:

Comments:

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

FLOODPLAIN & DRAINAGE INFORMATION:

100-year floodplain and floodway _____

Streams, rivers, ponds, lakes _____

STREETS & RIGHT OF WAY INFORMATION:

Location, length and ROW widths _____

Location and size of access easements _____

WATER, WASTEWATER, UTILITIES INFORMATION:

Electric, phone, gas, utility providers _____

Location of utility easements _____

Water & sewer utility providers _____

PLAT NOTES:

Water Supply Note _____

Sewage Disposal Note _____

Final Plat Checklist
Colorado County, Texas

SUBDIVISION NAME: _____

APPLICATION MATERIALS:

- | | |
|---|--------------------------|
| Three (3) blue line copies of plat | <input type="checkbox"/> |
| Two (2) mylar copies of plat | <input type="checkbox"/> |
| Electronic copy of plat on compact disk (copy must be in TIFF format with a minimum resolution of 300 dpi) | <input type="checkbox"/> |
| Tax certificate(s) | <input type="checkbox"/> |
| Letter from 911 Addressing Department (Approving road names) | <input type="checkbox"/> |
| Completed subdivision application | <input type="checkbox"/> |
| Utility Checklist | <input type="checkbox"/> |
| Construction fiscal surety | <input type="checkbox"/> |
| Utility Availability Letters | <input type="checkbox"/> |
| Water | <input type="checkbox"/> |
| Wastewater | <input type="checkbox"/> |
| Electric | <input type="checkbox"/> |
| Water | <input type="checkbox"/> |
| Construction plans for streets/drainage with engineer's seal and signature | <input type="checkbox"/> |

GENERAL INFORMATION:

Comments:

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

FLOODPLAIN & DRAINAGE INFORMATION:

- 100-year benchmarks & finished floor elevations _____
- 100-year monument lat/long _____
- Elevation contours (1'/NGVD '83) _____
- FEMA flood hazard areas _____
- Additional 100-year flood contours _____
- Drainage plan _____
- Location & size of drainage structures _____

STREETS & RIGHT OF WAY INFORMATION:

- Length, type of streets _____
- Total area of ROW dedicated to public _____
- Homeowners road maintenance agreement _____
- Minimum driveway culvert size _____
- Location of depth gauges (100-year flood) _____
- # of feet road frontage on each lot _____

WATER, WASTEWATER, UTILITIES INFORMATION:

- Viable percolation area _____
- Water supply warning statement _____
- Wastewater permit statement _____
- On-site sewage facility planning report _____

Viabie percolation area

OTHER PLAT NOTES:

Development permit statement

FINAL SURVEY CHECKLIST

Colorado County, Texas

MANUFACTURED HOME RENTAL COMMUNITY (MHRC) NAME: _____

APPLICATION MATERIALS:

- Three (3) blue line copies of Final Survey
- Application fees
- Tax certificate(s)
- Letter of water/wastewater availability
- Two (2) mylar copies of Final Survey
- Electronic copy of Final Survey
(copy must be in *tiff* format with a minimum resolution of 300 dpi)
- Utility Checklist

GENERAL INFORMATION:

Comments:

- MHRC name _____
- Boundary lines/total acreage _____
- # of spaces _____
- Acreage/ square footage & dimensions of spaces _____
- Parks, squares, greenbelts, schools, etc. _____
- Adjoining subdivisions/MHRC/property owners _____
- Name & address or surveyor/engineer _____
- Name & address of owner/applicant _____
- Vicinity map showing general location _____
- North arrow, scale and date _____
- Boundary lines of counties, cities and ETJs _____

- School district note or boundaries _____
- Bearings & dimensions _____
- Location to original survey _____
- Lot & block numbers _____
- Acreage of all spaces _____

FLOODPLAIN & DRAINAGE INFORMATION:

- Elevation contours (1'/NGVD '83) _____
- FEMA flood hazard areas _____
- FEMA 100-year flood plain boundry _____
- 100-year flood benchmark & lat/long _____
- Drainage plan _____
- Location & size of drainage structures _____
- Streams, rivers, ponds, lakes _____
- 100-year benchmarks & finished floor elevations _____
- 100-year benchmark with lat/long _____

Other Final Survey Notes:

- Certification of Surveyor _____

MANUFACTURED HOME RENTAL COMMUNITY SURVEY AND INFRASTRUCTURE RULES

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Colorado County, Texas
Survey and Infrastructure Requirements for
Manufactured Home Rental Communities

Preamble:

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

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

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

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

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

SECTION 1
DEFINITION OF AFFECTED DEVELOPMENTS

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

SECTION 2
CONSTRUCTION START

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

SECTION 3
UTILITY HOOK-UPS

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

SECTION 4

FINAL SURVEY AND INFRASTRUCTURE DEVELOPMENT PLANS REQUIRED

- 4.1 The owner of a tract of land intended to be used as a MHRC shall have prepared and submitted to the County a Final Survey and an Infrastructure Development Plan (IDP). In the rare event that there will be no infrastructure in the proposed MHRC, then only a Final Survey will be required. The owner shall submit eight blueline or blackline copies and two reproducible prints of the Final Survey, and shall submit eight blueline or blackline copies and two reproducible prints of the IDP and eight copies of supporting materials. All original materials should have original seals and signatures of the Texas Registered Professional Land Surveyor and Texas Registered Professional Engineer who prepared them. The Final Survey and the IDP shall show or be accompanied by the following information:
- 4.1.1 **DRAWING REQUIREMENTS:** The north arrow, graphic scale and date shall be shown. The Final Survey and IDP shall be drawn on 24"x36" sheets to a scale not exceeding one inch equals two hundred feet (1"=200'). The recording Final Survey and IDP shall be on permanent type material equivalent or superior to mylar. If the recording Final Survey and IDP is a photographic reproduction of a larger scale original, the reduction shall be no more than 50%. All figures and letters shown must be plain, distinct, and of sufficient size as to be easily read, no smaller than 0.09 inches in height, and must be of sufficient density to make a lasting and permanent record. A vicinity map shall be included that shows the general location of MHRC in relation to major roads, towns, cities, or topographic features. All county, city, school district, or special taxing districts that fall on or adjacent to the MHRC must be shown on the Final Survey and the IDP.
- 4.1.2 **MANUFACTURED HOME COMMUNITY DETAILS:** The name of the MHRC, graphic scale, north arrow, names of streets and/or drives, block and space boundaries, and block and space numbers within the MHRC shall be shown. Adjacent property owners, subdivisions and MHRCs shall also be shown and identified by owner's name and deed or plat reference.
- 4.1.3 **OWNER IDENTIFICATION:** The name, addresses, and telephone numbers of the owner or owners of a proposed MHRC, and the name, address and phone numbers of the surveyor or engineer responsible for the preparation of the Final Survey and IDP shall be shown. If the owner is a corporation, partnership or joint venture, the names and address of the corporate officers, partners or joint venturers shall be provided.
- 4.1.4 **BOUNDARY LINES:** The perimeter boundary of the community and each boundary or space shall be shown with bearings and distances, referenced to a corner of the original Final Survey and IDP. The bearings and distances shall be shown with distances accurate to one-hundredth of a foot and bearings accurate to one-hundredth of a second of a degree. Curves shall be shown with curve length, radii, and chord bearing and distance. Any and all other information necessary to duplicate the Final Survey and IDP on the ground is required. The square footage or acreage to the nearest one-hundredth of each space must be shown in each Final Survey and IDP. A table of space square footage or acreage and the total square footage or acreage must be shown.

- 4.1.5 UTILITY SERVICE: Each utility service shall approve the Final Survey and IDP in writing and provide the County with a letter certifying its approval and its ability to provide service to the MHRC.
- 4.1.6 LAYOUT OF SPACES, DRIVES, EASEMENTS, SETBACK LINES, DRAINAGE: Location of spaces, drives, roads, public highways, utility easements, parks, benchmarks, 100-year flood plain boundaries and other pertinent features, shall be shown by bearing and distance. The bearings and distances shall be shown with distances accurate to one-hundredth of a foot and bearings accurate to one-hundredth of a second of a degree. Curves shall be shown with curve length, radii, central angle and chord bearing and distance. Any and all other information necessary to duplicate the Final Survey and IDP on the ground is required. The location of drainage easements and other public rights of way or future rights of way shall be shown. The names and locations of all drives shall be clearly shown, and shall be Coordinated with the County's 911 Coordinator and to avoid confusion or duplication in street names. A letter from the County's 911 Addressing Coordinator shall be provided to the County certifying drive name approval. One 911 address will be provided to the rental community; unit numbers are required to be assigned and clearly marked for each rental space as shown on the Final Survey and IDP
- 4.1.7 FLOODPLAIN AND DRAINAGE INFORMATION: In order to protect property and life, as provided for in Chapters 232.007 and 240.905 of the Texas Local Government Code, the IDP shall include a drainage plan and floodplain delineation, prepared in accordance with good engineering practices, identifying areas included in the 100-year floodplain as well as the proposed finished floor elevations of any manufactured homes to be placed in proximity to the floodplain. Finished floor elevations must be at least one foot above base flood elevation. In addition, the IDP must include a reasonable plan based on good engineering practices signed and sealed by a Texas Registered Professional Engineer to provide for adequate drainage for the MHRC without increasing the peak flow under post-development conditions for a 100-year storm event. Elevation contours should be at no less detail than two-foot (2') intervals, based on NGVD 83 datum. All Special Flood Hazard Areas must be identified by the most current Flood Insurance Rate Maps published by the Federal Emergency Management Agency. For each space containing 100-year flood plain, sufficient additional contours to identify and delineate the 100-year floodplain and regulatory floodway, if any. If base flood elevations have not already been established, they shall be established by a Registered Professional Engineer. For each space containing 100-year flood plain, minimum Finished Floor Elevation must be provided on plat and development below the Finished Floor Elevation prohibited by plat note. A drainage plan depicting the anticipated flow of all drainage onto and from the Subdivision and showing all major topographic features on or adjacent to the property including all water courses, 100-year floodplain boundaries, ravines, swales, ditches, bridges, and culverts. The location and size of all proposed drainage structures, including on-site retention and/or detention ponds and easements and the impact of space and drive layouts on drainage. Depiction of all streams, rivers, ponds, lakes, and other surface water features.

- 4.1.8 ON-SITE SEWAGE: If utilizing individual on-site sewage facilities, each space must meet the requirements of the Colorado County Rules for On-Site Sewage Facilities. Viable percolation area must be shown. Space numbers and block designations shall be shown on the IDP. Each space shall have a minimum of 50 feet of road or drive frontage.
- 4.1.9 CERTIFICATION AND DEDICATION OF OWNER: The Owner shall certify the dedication for public use forever all streets, alleys, utility and drainage easements, parks, and any other land dedicated for public use, on the first page of the IDP with signature and acknowledgment before a notary public.
- 4.1.10 CERTIFICATION BY REGISTERED PROFESSIONAL LAND SURVEYOR: The Texas Registered Professional Land Surveyor shall certify on the first page of the Final Survey and IDP that the survey correctly represents a survey made on the ground under his supervision, and the dimensions, bearings, acreage and other technical information needed for platting each space shall be shown on the Final Survey and IDP. Final Surveys and IDPs shall not be approved until benchmarks are placed and placement is certified by the Surveyor.
- 4.1.11 CERTIFICATION AND APPROVAL BY CITY: Certification of approval signed by the appropriate representatives of any city having extraterritorial jurisdiction over the area in which the MHRC is located shall be placed on the first page of the IDP. All information required by the city for approval, i.e. plans and specifications, shall also be submitted to the County along with the IDP.
- 4.1.12 RESTRICTIONS OF COMMUNITY: A copy of the Covenants, Conditions and Restrictions (CCRs), if any, within the MHRC shall accompany the IDP, and shall be notarized and filed for record in the office of the County Clerk.
- 4.1.13 STATUS OF AD VALOREM TAXES: Each owner or applicant shall provide tax certificate(s) demonstrating there are no delinquent taxes due or owed for any and all tracts containing the MHRC as furnished through the Colorado County Tax Assessor/Collector's Office.
- 4.1.14 STREET STANDARDS: Streets shall be arranged and constructed so as to provide each manufactured home with direct access to an all-weather driveway suitable for two-way traffic. drive drainage, width, subgrade, base and driving surface shall be designed using good engineering practices consistent with the express purpose of, at a minimum, assuring speedy emergency access to each home or manufactured home in the community. "Flag lot" spacing or other contrivances which unduly inhibit proper drive maintenance or result in lengthy private drives that are likely to restrict the practicable ingress and egress of emergency vehicles in all types of weather are prohibited. Drive plans, section profiles, and a prospective maintenance plan and schedule for all drives shall be attached as part of the IDP. One source of appropriate drive specifications is the Road and Drainage Specifications contained as part of the Colorado County Subdivision and Development Rules.

- 4.1.15 DRAINAGE STANDARDS: In order to protect property and life, as provided for in Chapters 232.007 and 240.905 of the Texas Local Government Code, the IDP shall include a drainage plan, floodplain delineation, and floodway delineation, prepared in accordance with good engineering practices, identifying areas included in the 100-year flood plain as well as the proposed finished floor elevations of any manufactured homes to be placed in proximity to the floodplain. Finished floor elevations must be at least one foot above base flood elevation. In addition, the IDP must include a reasonable plan based on good engineering practices signed and sealed by a Texas Registered Professional Engineer to provide for adequate drainage for the MHRC without increasing the peak flow under post-development conditions for a 100 year storm event.
- 4.1.16 IMPROVEMENTS STATEMENT: Each IDP shall have the following note on the first page. “The paving, grading and easement or drainage improvements associated with this IDP do not constitute acceptance of same for maintenance purposes by Colorado County.” When IDP or drainage plans are provided, the engineer shall certify by signing and sealing on the first page of the IDP the following statement: “I, _____, a Texas Licensed Professional Engineer, do hereby affirm to the best of my knowledge, information and belief and based upon the information provided, the drainage improvements shown on this Infrastructure Development Plan are in accordance with good engineering practices, laws, and regulations and will not increase runoff above undeveloped conditions. I further declare that I will accept full responsibility for the integrity of the drainage design and will defend and hold harmless Colorado County from any claim or litigation arising from any errors, omissions, or other acts of negligence in the preparation of same.”

SECTION 5
FINAL SURVEY AND IDP APPROVAL

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

SECTION 6
INSPECTION AND CONFIRMATION OF CONSTRUCTION

The Commissioners Court of Colorado County shall approve or reject the IDP prior to the commencement of construction of any drive, drainage or utility improvements. The Owner, or the owner's authorized agent, shall arrange a preconstruction meeting with the Precinct Commissioner and/or Designated Agent to discuss the timing and nature of inspections by the County during all phases of construction. The County may designate a private engineer, road contractor, testing company or other entity to serve as its agent for inspections. In any event, the applicant shall be required to pay for any reasonable testing requested by the County or Designated Agent. The final inspection shall occur no later than the second business day after the owner delivers written confirmation that all improvements have been completed to the standards established in the IDP as required by Section 232.007 of the Texas Local Government Code. If the County determines that the infrastructure complies with the IDP, the County shall issue a certificate of compliance no later than the fifth business day after the date of the final inspection; or, where no inspection is required, no later than the fifth business day after the receipt of the owner's letter of completion. If the County determines that the infrastructure does not comply with the IDP, the MHRC may not be occupied until those deficiencies identified by the County are remedied to the satisfaction of the Commissioners Court.

SECTION 7
REVIEW FEES

The County Clerk shall collect a fee of \$300 plus \$15 per rental space for less than 100 spaces and \$300 plus \$10 per rental space for greater than 100 spaces at the time the application is filed.

SECTION 8
SEVERABILITY

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

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These Colorado County Development Regulations were re-adopted with revisions on June 26, 2006 by the Colorado County Commissioners Court.

APPROVED:

County Judge

Date

ATTEST:

County Clerk

Date