

MEMORANDUM

Date: 10/06/2022

To: Wharton County Commissioners Court

From: Eric C. Scheibe, PE, CFM (Scheibe Consulting, LLC)

Subject: Wharton County Subdivision Regulations Update Summary Document - Revised

The following memorandum is a summary of the updates that are being proposed to the current Wharton County Subdivision Regulations.

Summary of Changes:

1. Referencing the County Engineer to be the main point of contact for plat submissions and initial contact. Commissioners are still listed as a main point of contact but are not specifically noted to be involved with plat/plan review, inspections, final construction approval, reviews, etc. Commissioners Court is still responsible for final sign-off of plat, review of all variances, and final decision on acceptance of public/private roads (if desired).
2. I removed the County Engineer's Certificate and the County Attorney's signature on the plat document.
3. I removed references to a preliminary plat.
4. RV Park standards and infrastructure plan requirements were significantly improved. The infrastructure plan was generally adopted from Jackson County's recent subdivision regulation updates. *Ref. Appendix N.*
5. Some additional clarity regarding multiple subdivision applications occurring adjacent to each other, and the ability for the County to consider these two applications as though they are one project, for the purpose of regulating them as one. *Some additional language was added that allows the County Engineer some discretion in this, as there may be scenarios where adjacent developments should not be considered as one.*
6. Added clarity to the need for an engineering report and submittal of all drainage models as part of the application process. Scheibe has had push back on this in the past from developers.
7. Added a statement to the policy that requires a developer to submit a FEMA LOMR if the development exceeds 50 lots or 5 acres, whichever is less. This also requires that new FEMA maps will be developed up to a 64-acre drainage area. *This will help with improved FEMA Maps as development progresses.*

8. Policy update includes direct reference to the recently approved drainage review fee ordinance. *The latest ordinance lists both engineering review fees and inspection fees for drainage and roadway improvements. These fees will be paid by the developer and not the County.*
9. The County Engineer will now be responsible for all short form plat approvals. This is to help with consistency of application in the future. *Variances will remain with the Court.*
10. Gravel roads have been added to the approved roadway specifications. Gravel roads will be allowed at the discretion of the County Engineer and typically when directly off a gravel County Road with lots greater than 10-acres. Gravel Roads will need to be compacted 10" thick.
11. Additional detail was added to the approved roadway pavement types, along with reference to appropriate TxDOT specifications to ensure testing and gradations are all reasonable.
12. All of the standard construction details were updated for clarity. In addition, under paved surface, the addition of the use of "black base" as a backfill is required over utilities trenched across a paved County roadway.
13. Construction Cost estimating section was improved to remove pre-established unit costs, and instead the developer's engineer will submit a cost estimate and the final approval is at the discretion of the County Engineer. This is for bonding purposes.
14. Added clarity to private and public roadway bonding and 1-yr maintenance period requirements. *Regardless of roadway type, bonding and maintenance periods will be required.*
15. Added clarity to construction inspections and the potential approval of previously constructed "oil field" and "farm" roads, as private roads in a platted ROW, if they meet the width requirements.
16. Made the County Engineer now responsible for approval of final roadway construction and responsible for recommending to Court release of bond or not. I also added that an additional 3-month maintenance timeframe will follow a failed inspection. This will require that deficiencies be resolved and then maintained for 3-months prior to a follow-up inspection.
17. Added additional plat notes clarifying long-term maintenance of private roads and drainage infrastructure, and how the County will not be responsible for these improvements.
18. Added a note that all utilities must be placed a minimum of 5-ft below grade unless it is a cable/TV line, which can be 36" below grade.

19. Refined building setback requirements to regulate only setbacks off of County and State roads (i.e., no rear or side setbacks).
20. Revised County approval time to 30-days based on current State Law.
21. Changed culvert requirements from RCP to CMP, Aluminized Steel, Type 2 or Polymer-Coated.
22. Made direct mention to off-site runoff management. This is currently not specifically mentioned.
23. Upgraded roadside ditch conveyance requirements from a 5-yr storm to a 10-yr storm. Upgraded minimum open channel conveyance (other than roadside ditches) from 5-yr to 25-yr.
24. Updated rainfall statistics to the more accurate NOAA Atlas 14.
25. Made reference to the Wharton County Drainage Criteria Manual.
26. Made reference to pump station detention pond being allowed and some basic requirements.
27. Removed the private road prohibition and clearly state that they are allowed. *Current regulations have reference to private roads being prohibited unless specifically approved by Court.*
28. Provided more detail on 2-course chip seal roads and ref. TxDOT Spec.
29. Reference TxDOT Spec. for HMAC, Type D roads and also for PC concrete roads. Require PC concrete roads have 4,000 psi pavement at 28-days.
30. Provide specifications for when construction equipment can be used over a recently pour PC Concrete road, as per TxDOT.
31. Added clarity that any structures constructed within a drainage easement will be removed at the expense of the landowner.
32. Provide additional driveway spacing and width requirements. *These were as recommended by Comm. Mathews.* In addition, the following standard notes are recommended for Driveways:

Driveway Requirements:

1. *On publicly dedicated roadways, the County may install driveway culverts but is not obligated to install them.*
2. *The County will not install driveway culverts on private roadways.*
3. *The County is not required to grant more than one driveway per tract.*

4. All culvert lengths for driveways shall be limited to 40-ft (max.), and driveways shall be spaced a minimum distance of 40-ft from each other (measured from driveway culvert to driveway culvert).

5. Portions of driveways within County ROW shall be constructed with a minimum of 6-inches of gravel and have a minimum of 6-inches of cover over the culvert.

33. Specifically prohibit flag lots, even for 10-acre or larger tracts.

34. Provide additional clarity with regard to plat exemptions related to 10+ acre tracts.

- a. Exemptions are at the discretion of the County
- b. If land is no longer used for agricultural purposes, regardless of division date, it will become subject to these regulations.
- c. 10-acre divisions are allowed without platting if limited to a maximum of 2 tracts.

Outstanding Items:

1. Public Reading of Subdivision Regulations pursuant to Texas Local Government Code.
 - a. Convene in regular session to consider on 1st reading of draft subdivision regulation. (scheduled for 10/10/22)
 - b. Establishment of a date for a public hearing on the possible adoption of a county subdivision regulation, including the regulation of recreational vehicle parks, pursuant to § 232 of the Texas Local Government Code.
 - c. Consideration of approval of a **Taking Impact Assessment** of such a proposed subdivision regulation, as required by §2007 of the Texas Government Code.
 - d. Setting a schedule for publication of notice of public hearing on Subdivision Regulation, including Recreational Vehicle Park Communities, not less than 30 days prior to said public hearing as required by § 232 of the Texas Local Government Code, and §2007 of the Texas Government Code.
 - e. Authorizing publication of notice of public hearing in a newspaper of general circulation in Wharton County, Texas