FORT BEND COUNTY

THE RULES OF FORT BEND COUNTY TEXAS GOVERNING WATER AND WASTEWATER INFRASTRUCTURE, A SUPPLEMENT TO FORT BEND COUNTY'S REGULATIONS OF SUBDIVISIONS ADOPTED AUGUST 27, 2002

ADOPTED April 6, 2010

THE RULES OF FORT BEND COUNTY TEXAS GOVERNING WATER AND WASTEWATER INFRASTRUCTURE

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THE RULES OF FORT BEND COUNTY TEXAS GOVERNING WATER AND WASTEWATER INFRASTRUCTURE

SECTION 1- GENERAL PROVISIONS

SECTION 1.01- AUTHORITY AND SCOPE OF RULES

These rules are adopted by Fort Bend County, Texas, under the authority of the Local Government Code Chapter 232 and Water Code §16.350. Notwithstanding any provision to the contrary, these rules apply only to a subdivision which creates two or more lots of five acres or less intended for residential purposes. Lots of five acres or less are presumed to be for residential purposes unless the land is restricted to nonresidential uses on the final plat and in all deeds and contracts for deeds.

SECTION 1.02 - AREA COVERED BY REGULATIONS

These regulations apply in all unincorporated areas of Fort Bend County, Texas excluding any area located within a political subdivision of this state authorized to provide water and sewage service and meeting the minimum state standards for providing said service.

SECTION 1.03 - PURPOSE

It is the purpose of these rules to promote the public health of the county residents, to ensure that adequate water and wastewater facilities are provided in subdivisions within the jurisdiction of this county, and to apply the minimum state; standards for water and wastewater facilities to these subdivisions.

SECTION 1.04 - EFFECTIVE DATE

These rules become effective on the 6th day of April, 2010.

SECTION 1.05 - PLAT REQUIRED

1. The owner of a tract of land located outside the corporate limits of a municipality that divides the tract in any manner that creates two or more lots of five acres or less intended for residential purposes must have a plat of the subdivision prepared. Lots of five acres or less are presumed to be for residential purposes unless the land is restricted to nonresidential uses on the final plat and all deeds and contracts for deeds.

2. No subdivided land shall be sold or conveyed until the subdivider:
   a. has received approval of a final plat of the tract; and
   b. has filed and recorded with the county clerk of the county in which the tract is located a legally approved plat.

3. A division of a tract is defined as including a metes and bounds description, or any description of less than a whole parcel, in a deed of conveyance or in a contract for a deed, using a contract of sale or other executory contract, lease/purchase agreement, or using any other method to convey property.

SECTION 1.06 - SUPERSESSION

The Rules Governing Water and Wastewater Infrastructure supplement Fort Bend County's Regulations of Subdivisions adopted August 27, 2002, including all revisions. In the event of conflict, the Rules Governing Water and Wastewater Infrastructure supersede any conflicting regulations of the county.

SECTION 1.07 - SEVERABILITY

If any part or provision of these regulations, or application thereof, to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The commissioners court hereby declares that it would have enacted the remainder of these regulations without any such part, provision or application.

SECTION 1.08 - DEFINITIONS

The following words and terms, when used in these rules, shall have the following meanings, unless the context clearly indicates otherwise.

1. Commission --the Texas Commission on Environmental Quality and any of its predecessor or successor entities.

2. Commissioners Court (or court)--The Commissioners Court of Fort Bend County, Texas.

3. County -- Fort Bend County, Texas.

4. Drinking water--All water distributed by any agency or individual, public or private, for the purpose of human consumption, use in the preparation of foods or beverages, cleaning any utensil or article used in the course of preparation or consumption of food or beverages for human beings, human bathing, or clothes washing.

5. Engineer--A person licensed and authorized to practice engineering in the State of Texas under the Texas Engineering Practice Act.

6. Final plat--A map or drawing and any accompanying material of a proposed subdivision prepared in a manner suitable :for recording in the county records and prepared as described in these regulations.

7. Lot-An undivided tract or parcel of land.

8. Non-public water system--Any water system supplying water for domestic purposes which is not a public water system.

9. OSSF--On-site sewage facilities as that term is defined in rules and/or regulations adopted by the commission, including, but not limited to, 30 TAC Chapter 285.

10. Platted--Recorded with the county in an official plat record.

11. Public water system--A system for the provision to the public of water for human consumption through pipes or other constructed conveyances, which includes all uses described under the definition for drinking water. Such a system must have at least 15 service connections or serve at least 25 individuals at least 60 days out of the year. This term includes any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Two or more systems with each having a potential to serve less than 15 connections or less than 25 individuals but owned by the same person, firm, or corporation and located on adjacent land will be considered a public water system when the total potential service connections in the combined systems are 15 or greater or if the total number of individuals served by the combined systems total 25 or more at least 60 days out of the year. Without excluding other meanings of the terms "individual" or "served," an individual shall be deemed to be served by a water system if he lives in, uses as his place of employment, or works in a place to which drinking water is supplied from the: system.

12. Purchaser--Shall include purchasers under executory contracts for conveyance of real property.

13. Retail public utility--Any entity meeting the definition of a retail public utility as defined in Water Code § 13.002.

14. Sewage facilities--The devices and systems that transport domestic wastewater from residential property, treat the wastewater, and dispose of the treated water in accordance with the minimum state standards contained or referenced in these rules.

15. Subdivider--Any owner of land or authorized agent thereof proposing to divide or dividing land so as to constitute a subdivision.

16. Subdivision--Any tract of land divided into two or more parts that results in the creation of two or more lots of five acres or less intended for residential purposes. A subdivision includes re-subdivision (replat) of land, which was previously divided.

17. TAC--Texas Administrative Code, as compiled by the Texas Secretary of State.

18. Water facilities--Any devices and systems that are used in the supply, collection, development, protection, storage, transmission, treatment, and/or retail distribution of water for safe human use and consumption.

SECTION 2 - MINIMUM STANDARDS

SECTION 2.01- SCOPE OF STANDARDS

The establishment of a residential development with two or more lots of five acres or less where the water supply and sewer services do not meet the minimum standards of this section is prohibited. A

subdivision with lots of five acres or less is presumed to be a residential development unless the land is restricted to nonresidential use on the final plat.

SECTION 2.02 - WATER FACILITIES DEVELOPMENT

1. Public water systems.

   a. Subdividers who propose to supply drinking water by connecting to an existing public water system must provide a written agreement with the retail public utility. The agreement must provide that the retail public utility has or will have the ability to supply the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years. The agreement must reflect that the subdivider has paid the cost of water meters and other necessary connection equipment, membership fees, water rights acquisition costs, or other fees associated with connection to the public water system so that service is available to each lot upon completion of construction of the water facilities described on the final plat.

   b. Where there is no existing retail public utility to construct and maintain the proposed water facilities, the subdivider shall establish a retail public utility and obtain a Certificate of Convenience and Necessity (CCN) from the commission. The public water system, the water quality and system design, construction and operation shall meet the minimum criteria set forth in 30 TAC §290.38-290.51 and §290.101-290.120. If groundwater is to be the source of the water supply, the subdivider shall have prepared and provide a copy of a groundwater availability study that complies with the requirements of 30 TAC §230.1 through 230.11 for water availability for new public water supply systems and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply, the subdivider shall provide evidence that sufficient water rights have been obtained and dedicated, through either acquisition or wholesale water supply agreement that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 years.

2. Non-public water systems. Where individual wells or other non-public water systems are proposed for the supply of drinking water to residential establishments, the subdivider shall have prepared and provide a copy of a groundwater availability study that complies with the requirements of 30 TAC §230.1 through 230.11 for individual water supply wells on individual lots and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. The water quality of the water produced from the test well must meet the standards of water quality required for community water systems as set forth in 30 TAC §290.104, 290.106, 290.108 and 290.109, either:

   a. without any treatment to the water; or

   b. with treatment by an identified and commercially available water treatment system.

3. Transportation of potable water. The conveyance of potable water by transport truck or other mobile device to supply the domestic needs of the subdivision is not an acceptable method,

except on an emergency basis. Absence of a water system meeting the standards of these rules due to the negligence of the subdivider does not constitute an emergency.

SECTION 2.03 - WASTEWATER DISPOSAL

1. Organized sewage facilities.

   a. Subdividers who propose the development of an organized wastewater collection and treatment system must obtain a permit to dispose of wastes from the commission in accordance with 30 TAC Chapter 305 and obtain approval of engineering planning materials for such systems under 30 TAC Chapter 317 from the commission or their authorized agent.

   b. Subdividers who propose to dispose of wastewater by connecting to an existing permitted facility must provide a written agreement with the retail public utility. The agreement must provide that the retail public utility has or will have the ability to meet the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years. The agreement must reflect that the subdivider has paid the cost of all fees associated with connection to the wastewater collection and treatment system have been paid so that service is available to each lot upon completion of construction of the wastewater facilities described on the final plat. Engineering plans for the proposed wastewater collection lines must comply with 30 TAC Chapter 317. Figure: 31 TAC §364.33(a)(2)

2. On-site sewage facilities.

   a. On-site facilities which service a single family or multi-family residential dwellings with anticipated wastewater generations of no greater than 5,000 gallons per day must comply with 30 TAC Chapter 285, and the Order Adopting Rules of Fort Bend County for On-site Sewage Facilities.

   b. Proposals for sewage facilities for the disposal of sewage in the amount of 5,000 gallons per day or greater must comply with 30 TAC Chapter 317.

   c. The commission or its authorized agent shall review proposals for on-site sewage disposal systems and make inspections of such systems as necessary to assure that the system is in compliance with the Texas Health and Safety Code, Chapter 366 and rules in 30 TAC Chapter 285, and in particular §285.4, 285.5 and 285.30 -285.39. In addition to the unsatisfactory on-site disposal systems listed in 30 TAC §285.3(i), pit privies and portable toilets are not acceptable waste disposal systems for lots platted under these rules.

SECTION 2.04 - GREYWATER SYSTEMS FOR REUSE OF TREATED WASTEWATER

1. Organized or municipal sewage systems. Any proposal for sewage collection, treatment and disposal which includes greywater reuse shall meet minimum criteria of 30 TAC Chapter 210 promulgated and administered by the Commission.

2. On-site sewage facilities. Any proposal for on-site sewage disposal, which includes provisions for greywater use, shall meet the minimum criteria of 30 TAC Chapter 285, and the Order Adopting Rules of Fort Bend County for On-site Sewage Facilities.

SECTION 2.05 - SLUDGE DISPOSAL

The disposal of sludge from water treatment and sewage facilities shall meet the criteria of 30 TAC Chapter 312 and Chapter 317, and local order regulating Disposal of Beneficial Use Sludge.

SECTION 2.06 - SETBACKS

In areas that lack water lines sized for fire protection, setbacks from roads and rights-of-way shall be a minimum of 25 feet, setbacks from adjacent property lines shall be a minimum of 10 feet, and such setbacks from roads, rights-of-way and adjacent property shall not conflict with separation or setback distances required by rules governing public utilities, on-site sewage facilities, or drinking water supplies. Setback lines required elsewhere in the orders or rules of the county shall control to the extent greater setbacks is therein required.

SECTION 2.07 - NUMBER OF DWELLINGS PER LOT

No more than one single family detached dwelling shall be located on each lot. A notation of this restriction shall be placed on the face of the final plat. This restriction shall be placed in all recorded deed restrictions and contracts for deeds for real estate sold within the subdivision. Proposals, which include mufti-family residential dwellings, shall include adequate, detailed planning materials as required for determination of proper water and wastewater utility type and design.

SECTION 3 - PLAT APPROVAL

SECTION 3.01- APPLICATIONS FOR PLAT APPROVAL

1. Owner representation. An application for approval of a plat shall be filed with the county by the record owner of the property to be subdivided or the duly authorized agent of the record owner, as outlined in Fort Bend County "Regulations of Subdivisions".

2. Standards. Every plat creating two or more lots of five acres or less for residential use shall comply with the standards of Section 2 and the requirements of Section 3 of these rules.

SECTION 3.02 - FINAL ENGINEERING REPORT

The preliminary or final plat shall have attached to the plat an engineering report bearing the signed and dated seal of a professional engineer registered in the State of Texas with firm registration number. The engineering report shall discuss the availability and methodology of providing water facilities and wastewater treatment to individual lots within the subdivision. A detailed cost estimate per lot acceptable to the county shall be provided for those unconstructed water supply and distribution facilities and wastewater collection and treatment facilities, which are necessary to serve each lot of the subdivision. The plan shall include a construction schedule for each significant element needed to provide adequate water or wastewater facilities. If financial guarantees are to be provided under Section 3.04 of these rules the schedule shall include the start dates and completion dates.

1. Public water systems.

   a. Where water supplies are to be provided by an existing public water system, the subdivider shall furnish an executed contractual agreement between the subdivider and the retail public utility and referenced in §2.02 of these rules. Before final plat approval, plans and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project which may include in addition to the county the commission and the county health department. If groundwater is to be the source of the water supply, the final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC §230.1 through 230.11 for water availability for a public water supply systems and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision.

   b. Where there is no existing retail public utility to construct and maintain the proposed water facilities, the subdivider shall establish a retail public utility and obtain a Certificate of Convenience and Necessity (CCN) from the commission and include evidence of the CCN issuance with the plat. Before final plat approval, plans and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project. If groundwater is to be the source of the water supply, the final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC §230.1 through 230.11 for water availability for a public water supply systems and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply then the final engineering report shall include evidence that sufficient water rights have been obtained and dedicated, either through acquisition or through wholesale water supply agreement that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 years.

2. Non-public water systems. Where individual wells are proposed for the supply of drinking water to residences, the final engineering report shall include the quantitative and qualitative results of sampling the test wells in accordance with Section 2.02 of these rules. The results of such analyses shall be made available to the prospective property owners. If the water quality of the test well required pursuant to Section 2.02 of these rules does not meet the water quality standards as set forth in that section without treatment by an identified and commercially available water treatment system, then the final report must state the type of treatment system that will treat the water produced from the well to the specified water quality standards, the location of at least one commercial establishment within the county at which the system is available for purchase, and the cost of such system, the cost of installation of the system, and the estimated monthly maintenance cost of the treatment system. The final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC §230.1 through 230.11 for water availability for individual water supply wells on individual lots and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. The description of the required sanitary control easement shall be included.

3. Organized sewage facilities.

   a. Where wastewater treatment is to be provided by an existing retail public utility, the subdivider shall furnish evidence of a contractual agreement between the subdivider and the retail public utility and referenced in Section 2.03(1)(b) of these rules. Before final plat approval, an appropriate permit to dispose of wastes shall have been obtained from the commission, plans, and specifications for the proposed wastewater collection and treatment facilities shall have been approved by all entities having jurisdiction over the proposed project.

   b. Where there is no existing retail public utility to construct and maintain the proposed sewage facilities, the subdivider shall establish a retail public utility and obtain a CCN from the commission. Before final plat approval, a wastewater treatment permit authorizing the treatment of the wastewater for the ultimate build-out population of the subdivision shall have been obtained from the commission and plans and specifications for the proposed sewage facilities shall have been approved by all entities having jurisdiction over the proposed project.

4. On-site sewage facilities. Where private on-site sewage facilities are proposed, the final engineering report shall include planning materials required by 30 TAC §285.4(c), including the site evaluation described by 30 TAC §285.30 and all other information required by the TCEQ or its authorized agent to review the proposal and inspection of systems necessary to assure compliance with Fort Bend County's OSSF order.

SECTION 3.03 - ADDITIONAL INFORMATION

The county may, at its option, require additional information necessary to determine the adequacy of proposed water and wastewater improvements as part of the plat approval process.

Such information may include, but not be limited to:

1. layout of proposed street and drainage work;
2. legal description of the property;
3. existing area features;
4. topography;
5. flood plains;
6. description of existing easements;
7. layout of other utilities;
8. notation of deed restrictions;
9. public use areas; or
10. proposed area features.

SECTION 3.04 - FINANCIAL GUARANTEES FOR IMPROVEMENTS

1. Applicability. If an adequate public or non-public water system or sewage facility is not available from a retail public utility, or are not constructed by the subdivider, to serve lots intended for residential purposes of five acres or less at the time final plat approval is sought, then the commissioners court shall require the owner of the subdivided tract to execute an

agreement with the county secured by a bond or cash deposit which meet the requirements set forth below.

2. Bonds. A bond that is submitted in compliance with subsection (a) of this section shall meet the following requirements.

   a. The bond or financial guarantee shall be payable to the county judge of the county, in his official capacity, or the judge's successor in office.

   b. The bond or financial guarantee shall be in an amount determined by the commissioners court to be adequate to ensure proper construction or installation of the public or non-public water facilities, and wastewater facilities to service the subdivision, including reasonable contingencies, but in no event shall the amount of the bond be less than the total amount needed to serve the subdivision as established by the engineer who certifies the plat.

   c. The bond shall be executed with sureties as may be approved by the commissioners court. The county shall establish criteria for acceptability of the surety companies issuing bonds that include but are not limited to:

      (1) registration with the Secretary of State and be authorized to do business in Texas;
      (2) authorization to issue bonds in the amount required by the commissioners' court; and
      (3) rating of at least B from Best's Key Rating Guide; or if the surety company does not have any such rating due to the length of time it has been a surety company, the surety company must demonstrate eligibility to participate in the surety bond guarantee program of the Small Business Administration and must be an approved surety company listed in the current United States Department of Treasury Circular 570. Such bonds shall meet the criteria contained in the rules and regulations promulgated by the United States Department of Treasury.

   d. The bond shall be conditioned upon construction or installation of water and wastewater facilities meeting the criteria established by Section 2 of these rules and upon construction of facilities within the time stated on the plat, or on the document attached to the plat for the subdivision, or within any extension of time granted by the commissioners' court.

SECTION 3.05 - REVIEW AND APPROVAL OF FINAL PLATS

1. Scope of review. The county will review the final plat to determine whether it meets the standards of Section 2 and the requirements of Section 3 of these rules.

2. Disapproval authority. The commissioners' court shall refuse to approve a plat if it does not meet the requirements prescribed by or under these rules.

3. Prerequisites to approval. Final plat approval shall not be granted unless the subdivider has accomplished the following:

a. dedicated the sites for the adequate water and sewage facilities identified in the final plat to the appropriate retail public utility responsible for operation and maintenance of the facilities; and

b. provided evidence that the water facilities and sewage facilities have been constructed and installed in accordance with the criteria established within these rules and the approvals from the commission of the plans and specifications for such construction, including any change orders filed with these agencies; or

c. provided evidence that a political subdivision of the State shall provide utilities, that construction plans for the water and sewage facilities have been approved, and development permits have been issued, or

d. obtained all necessary permits for the proposed water facilities and sewage facilities (other than for OSSF permits on individual lots within the proposed subdivision) and has entered into a financial agreement with the county secured by a bond or cash deposit for the provision of water and sewage facilities with the bond or financial guarantee meeting the criteria established in Section 3 of these rules.

SECTION 3.06 - TIME EXTENSIONS FOR PROVIDING FACILITIES

1. Reasonableness. The commissioners court may extend, beyond the date specified on the plat or on the document attached to the plat, the date by which the required water and sewer service facilities must be fully operable if:

   a. any financial guarantees provided with the final plat as originally submitted are effective for the time of the requested extension or new financial guarantees that comply with Section 3.04 are submitted which will be effective for the period of the extension; and

   b. the court finds the extension is reasonable and not contrary to the public interest.

2. Timeliness. If the facilities are fully operable before the expiration of the extension period, the facilities are considered to have been made fully operable in a timely manner.

3. Unreasonableness. An extension its not reasonable if it would allow a residence in the subdivision to be inhabited without water or sewer services that meet the standards of Section 2 of these rules.

SECTION 3.07 - CRITERIA FOR SUBDIVISIONS THAT OCCURRED PRIOR TO SEPTEMBER 1,1989

1. Authority and scope. This section shall apply only to tracts of land that were divided into two or more parts to lay out a subdivision before September 1, 1989 and have not been platted or recorded. This section is in addition to the authority of the county to grant a delay or variance pursuant to Local Government Code §232.043 or a rule of the county adopted pursuant to such provision.

2. Purpose. It is the purpose of this section to promote the public health of the county residents, to ensure that adequate water and sewage facilities are provided in subdivisions within the jurisdiction of this county, and to establish the minimum standards for pre-1989 subdivisions for which no plat has been filed or recorded in the records of the county.

3. Required plat. In the event that the owner of tract of land located outside the limits of a municipality who subdivided the tract into two or more parts to lay out a subdivision of the tract prior to September 1, 1989, including an addition, or to lay out suburban lots or building lots, and 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, was legally obligated to, but has failed to have a plat of the subdivision prepared, approved by the commissioners court, and filed. The current owner of an individual, occupied lot (other than the subdivider) may, if various conditions are met (including having available water and sewer services meeting minimum standards), seek the commissioners court's approval of a plat that does not meet some of the standard requirements for plat approval under the Model Rules. Further, a group of owners of individual lots in such an unplatted subdivision may make a joint request.

4. Special criteria. The commissioners court may approve the plat of a residential lot which does not comply with the provisions of Section 1.05(2) of these rules (sale restrictions), Section 2.06 of these rules (Setbacks), Section 2.07 of these rules (Number of Dwellings per Lot), Section 3.02 of these rules (Final Engineering Report), and Section 3.04 of these rules title (Financial Guarantees for Improvements) as applied to an individual subdivided lot if such approval is in harmony with the general purpose and intent of these rules so that the public health, safety, and welfare may be secured and substantial justice done.

5. Owners of individual lots in a single unplatted subdivision may file a joint request for approval of their respective individual residential lots.

   a. An application for approval of the plat of an individual lot shall be made in writing. The application shall state specifically the rule, section, or subsection with which the plat does not comply and from which a waiver is being requested. The application shall contain available information and documentation which supports the requested approval. The applicant shall also provide such additional documentation as the commissioners court may request to support the application, including:

      (1) a copy of a dated plat, sales contract, utility records, or other acceptable documentation that the subdivision occurred prior to September I, 1989;
      (2) the name and address of the original subdivider or the subdivider's authorized agent, if known;
      (3) a survey and plat of the lot for which approval is requested, showing existing residences, roads, and utilities; and
      (4) a deed, an affidavit of ownership or other evidence of ownership of the lot for which approval is requested.

   b. Approval of plats of individual lots shall be granted subject to the limitations of state law and based on written findings by the commissioners court that:

(1) the lot for which approval is requested is within a tract that was subdivided prior to September 1, 1989, and is not owned by the original subdivider;
(2) a plat was required for the subdivision, but has not been filed with the county by the subdivider legally obligated to file it;
(3) an existing, currently occupied residential dwelling is located on the lot;
(4) existing water and sewer services which comply with the minimum standards set forth herein are available to the lot; and
(5) the request is reasonable, compliance with specified sections of these rules is impractical, and a waiver is not contrary to the public health and safety.

6. Final determination. The commissioners court shall make the final decision on an application for a waiver, following review and recommendation by the county planning commission or department, if any. The applicant may withdraw a request for a waiver at any point in the process. If the requested waiver application is approved by the commissioners court, the county shall issue a certificate stating that a plat of the residential lot has been reviewed and approved.

SECTION 4 - ENFORCEMENT

SECTION 4.01- OVERSIGHT

The owner, by submitting a plat, acknowledges the authority of the county and state agencies to lawfully enter and inspect property for purposes of execution of their statutory duties. Such inspection will not release the owner from any obligation to comply with the requirements of these rules.

SECTION 4.02 - GENERAL ENFORCEMENT AUTHORITY OF COUNTY

The provisions of these rules are enforceable pursuant to the specific provisions hereof related to enforcement and state law including Water Code, Chapter 7 and §I6.352, 16.353, 16.3535, 16.354, and 16.3545, and Local Government Code, §232.037 and §232.080.

MTR: Engineering (04012010) 3614

APPENDIX "A"

UTILITY SERVICE PLAN

1. APPLICANT INFORMATION (Please print or type)

Applicant Name _____

Applicant Mailing Address _____ City _____ State _____ Zip _____

Office Phone _____ Mobile Phone _____ Fax _____

Developers Name _____ Phone _____

Developers Mailing Address _____ City _____ State _____ Zip _____

Developers Email _____

2. LOCATION OF PROPERTY

New Plat ☐ _____ Replat ☐ _____ Amending Plat ☐ _____

Subdivision or Proposed Subdivision Name _____

Adjoining County Road(s) _____

Survey Name _____ Abstract Number _____ Acreage _____

3. DEVELOPMENT TYPE

Proposed Use of Development: ☐Single Family ☐Commercial ☐Mixed Single Family/Commercial

Number of single family residential lots: _____

Number of Commercial Reserves: _____

4. WATER FACILITIES DEVELOPMENT (COMPLETE: APPLICABLE SECTION)

☐ Connecting to Existing Public Water Supply System

_____ has or will have the ability to supply the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years. Additionally, the subdivider has paid the cost of water meters and other necessary connection equipment, membership fees, water rights acquisition costs, or other fees associated with connection to the public water system so that service is available to each lot upon completion of construction of the water facilities described on the approved plans.

_____ _____
Signature Title

_____ _____
Printed Name Date

This must be signed by the Public Utility's designated board member or District Engineer having authority to execute such document.

APPENDIX "A"

☐ Establishing a Retail Public Utility

_____has applied for a Certificate of Convenience and Necessity (CCN) from the Texas Commission on Environmental Quality. The public water system, the water quality and system design, construction and operation shall meet the minimum criteria set forth in 30 TAC §§290.38-290.51 and §§290.101-290.120. If groundwater is to be the source of the water supply, the engineer shall attached a copy of the groundwater availability study that complies with the requirements of 30 TAC §§230.1 through 230.11 for water availability for new public water supply systems and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply, the engineer shall attach written proof that sufficient water rights have been obtained and dedicated, through either acquisition or wholesale water supply agreement that will provide a sufficient supply to serve the needs of the subdivision for a term of not less that 30 years.

Seal & Signature

_____
Printed Engineer's Name

_____
Engineer Firm Name and Firm Registration Number

☐ Individuals Wells

Where individual wells are proposed for the supply of drinking water to residential establishments, the engineer shall attach a copy of a groundwater availability study that complies with the requirements of 30 TAC §§230.1 through 230.11 for individual water supply wells on individual lots and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. The water quality of the water produced from the test well must meet the standards of water quality required for community water systems as set forth in 30 TAC §§290.104, 290.106,290.108 and 290.109, either:

1) without any treatment to the water; or
2) with treatment by an identified and commercially available water treatment system.

Seal & Signature

_____
Printed Engineer's Name

_____
Engineer Firm Name and Firm Registration Number

APPENDIX "A"

5. WASTEWATER DISPOSAL

☐

_____ operates an existing permitted facility and
Retail Public Utility

has or will have the ability to treat the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years. The subdivider has paid the cost of all fees associated with connection to the wastewater collection and treatment system have been paid so that service is available to each lot upon completion of construction of the wastewater facilities described on the final plans. Engineering plans for the proposed wastewater collection lines comply or exceed 30 TAC Chapter 317. Figure 31 TAC 3§64.33(a)(2).

Seal & Signature

_____
Printed Engineer's Name

_____
Engineer Firm Name and Firm Registration Number

☐

_____ plans to develop an organized wastewater collection and

treatment system. _____will obtain a permit to dispose of wastes from the commission in accordance with 30 TAC Chapter 305 and obtain approval of engineering planning materials for such systems under 30 TAC Chapter 317 from the commission.

Seal & Signature

_____
Printed Engineer's Name

_____
Engineer Firm Name and Firm Registration Number

APPENDIX "A"

☐

On-site sewage facilities _____ proposes to use onsite sewage facilities for deposit of waste.

1) On-site facilities which serve single family or mufti-family residential dwellings with anticipated wastewater generations of no greater than 5,000 gallons per day must comply with 30 TAC Chapter 285, and the Order Adopting Rules of Fort Bend County for On-site Sewage Facilities. Proposals for sewage facilities for the disposal of sewage in the amount of 5,000 gallons per day or greater must comply with 30 TAC Chapter 317.
2) Proposals for sewage facilities for the disposal of sewage in the amount of 5,000 gallons per day or greater must comply with 30 TAC Chapter 317.
3) All proposals to use onsite sewage facilities shall have an approved feasibility study attached, as required by the rules of Fort Bend County for Onsite Sewage Facilities.

Seal & Signature

_____
Printed Engineer's Name

_____
Engineer Firm Name and Firm Registration Number

APPENDIX "B"

FINAL ENGINEERING REPORT

FOR

_____

DEVELOPMENT NAME

PREPARED TO COMPLY WITH THE RULES OF

FORT BEND COUNTY TEXAS GOVERNING WATER

AND WASTEWATER INFRASTRUCTURE

_____

PREPARED BY (NAME OF FIRM)

_____

DATE

SAMPLE

INDEX

Section 1 - Availability and methodology of providing water facilities and wastewater treatment

Section 2 - Detailed cost estimate for un-constructed water supply and distribution systems

Section 3 - Detailed cost estimate for un-constructed wastewater collection and treatment facilities

Section 4 - Construction Schedule

Section 5 - Utility Service Plan

Section 6 - Groundwater Availability Form (If Applicable)

Section 7 - Engineer's Statement

SAMPLE

SECTION 1

AVAILABILITY AND METHODOLOGY OF PROVIDING WATER FACILITIES AND WASTEWATER TREATMENT

Describe where water and wastewater service is to be obtained.

Example: New collection lines and lift station to be built and operated by MUD No. _____, waste to be gravity flowed to existing sewer plant at _____. Existing plant has capacity. New water lines to be constructed and operated by MUD No._____, water to be obtained from existing water plant located at _____. Extra water to be supplemented by _____.

SAMPLE

SECTION 2

DETAILED COST ESTMATE FOR UNCONSTRUCTED WATER SUPPLY AND DISTRIBUTION SYSTEMS

The ultimate cost of the water supply and distribution system is _____. When evaluated at a per lot basis the cost is distributed to _____ per single-family residential lot and _____to all commercial reserves.

SAMPLE

SECTION 3

DETAILED COST ESTMATE FOR UNCONSTRUCTED WASTEWATER COLLECTION AND TREATMENT FACILITIES

The ultimate cost of the wastewater supply and treatment system is _____. When evaluated at a per lot basis the cost is distributed to _____ per single-family residential lot and _____to all commercial reserves.

SAMPLE

SECTION 4

CONSTRUCTION SCHEDULE

Water System:

Installation of the water system started or will start on _____
Date

and is complete or is estimated to be complete on _____
Date

Sewage System:

Installation the sewage system started or will start on _____
Date

and is complete or is estimated to be complete on _____
Date

SAMPLE

SECTION 5

UTILITY SERVICE PLAN

Attach completed Utility Service Plan form.

SAMPLE

SECTION 6

CERTIFICATION OF GROUNDWATER AVAILABTLITY FOR PLATTING FORM

Use of this form: If required by a municipal authority pursuant to §212.0101, Texas Local Government Code or a county authority pursuant to §232.0031, Texas Local Government Code, the plat applicant and the Texas licensed professional engineer or Texas licensed professional geoscientist shall use this form based upon the requirements of Title 30, Texas Administrative Code, Chapter 230 to certify that adequate groundwater is available under the land to be subdivided (if the source of water for the subdivision is groundwater under the subdivision) for any subdivision subject to platting under §212.004 and 232.001, Texas Local Government Code. The form and Chapter 230 do not replace state requirements applicable to public drinking water supply systems or the authority of counties or groundwater conservation districts under either §35. 019 or Chapter 36 of the Texas Water Code.

Administrative Information (30 TAC, §230.4).

1. Name of Proposed Subdivision: _____
2. Any Previous Name Which Identifies the Tract of Land: _____
3. Property Owner's Name(s): _____
   Address: _____
   Phone: _____
   Fax: _____
4. Plat Applicant's Name: _____
   Address: _____
   Phone: _____
   Fax: _____
5. Licensed Professional Engineer or Geoscientist
   Name: _____
   Address: _____
   Phone: _____
   Fax: _____
   Certificate Number: _____
6. Location and Property Description of Proposed Subdivision: _____
7. Tax Assessor Parcel Number(s).
   Book: _____
   Map: _____
   Parcel: _____

Proposed Subdivision Information (30 TAC, §230.5).

8. Purpose of Proposed Subdivision (single/multi-family residential, non-residential, commercial): _____
9. Size of Proposed Subdivision (acres): _____
10. Number of Proposed Lots: _____
11. Average Size of Proposed Lots (acres): _____
12. Anticipated Method of Water Distribution.

Expansion of Existing Public Water Supply System:	Yes	No
New (Proposed) Public Water Supply System:	Yes	No
Individual Water Wells to Serve Individual Lots:	Yes	No
Combination of Methods:	Yes	No

   Description (if needed): _____
13. Additional Information (if required by the municipality or county authority): _____

Note: If public water supply system is anticipated, written application for service to existing water providers within a one-half mile radius should be attached to this form (30 TAC §230.5(f).

Projected Water Demand Estimate (30 TAC §230.6).

14. Residential Water Demand Estimate at Full Build Out (includes both single family and multi-family residential).
    Number of Proposed Housing Units (single and multi-family):
    Average Number of Persons per Housing Unit:
    Gallons of Water Required per Person per Day:
    Water Demand per Housing Unit per year (acre feet/year):
    Total Expected Residential Water Demand per Year (acre feet/year):

15. Non-residential Water Demand Estimate at Full Build Out.
    Type(s) of Non-residential Water Uses:
    Water Demand per Type per Year (acre feet/year):
16. Total Water Demand Estimate at Full Build Out (acre feet/year):
17. Sources of Information Used for Demand Estimates:

General Groundwater Resource Information (30 TAC, §230.7).

18. Identify and describe, using Texas Water Development Board names, the aquifer(s) which underlies the proposed subdivision:

Note: Users may refer to Aquifers of Texas (Texas Water Development Board Report 345. 1995) to obtain general information pertaining to the state's aquifers. This reference is available via the Internet (www.twdb.state.tx.us).

Obtaining Site-Specific Groundwater Data (30 TAC, §230.8).

19. Have all known existing, abandoned, and inoperative wells within the proposed subdivision been located, identified, and shown on the plat as required under §230.8(b)? Yes No
20. Were the geologic and groundwater resource factors identified under §230.7(b) considered in planning and designing the aquifer test required under §230.8(c)? Yes No
21. Have test and observation wells been located, drilled, logged, completed, developed, and shown on the plat as required by §230.8(c) (1 though 4)? Yes No
22. Have all reasonable precautions been taken to ensure that contaminants do not reach the subsurface environment and that undesirable groundwater has been confined to the zone(s) of origin §230.8(c)(5)? Yes No
23. Has an aquifer test been conducted which meets the requirements of §230.8(c) (1 and 6)? Yes No
24. Were existing wells or previous aquifer test date used? Yes No
25. If yes, did they meet the requirements of §230.8(c)(7)? Yes No
26. Were additional observation wells or aquifer testing utilized? Yes No

Note: If expansion of an existing public water supply system or a new public water supply system is the anticipated method of water distribution for the proposed subdivision, site-specific groundwater data shall be developed under the requirements of 30 TAC, Chapter 290, Subchapter D (related to Rules and Regulations for Public Water Systems) and the applicable information and correspondence developed in meeting those requirements shall be attached to this form pursuant to §230.8(a).

Determination of Groundwater Quality (30 TAC, §230.9).

27. Have water quality samples been collected as required by §230.9? Yes No
28. Has a water quality analysis been performed which meets the requirements of §230.9? Yes No

Determination of Groundwater Availability (30 TAC, §230.10).

29. Have the aquifer parameters required by §230.10(c) been determined? Yes No
30. If so, provide the aquifer parameters as determined.
    Rate of yield and drawdown:
    Specific capacity:
    Efficiency of the pumped well:
    Transmissivity:
    Coefficient of storage:
    Hydraulic conductivity:
    Were any recharge or barrier boundaries detected? Yes No
    If yes, please describe:
    Thickness of aquifer(s):
31. Have time-drawdown determinations been calculated as required under §230.10(d)(1)? Yes No
32. Have distance drawdown determinations been calculated as required under §230.10(d)(2)? Yes No
33. Have well interference determinations been made as required under §230.10(d)(3)? Yes No
34. Has the anticipated method of water delivery, the annual groundwater demand estimates at full build out, and geologic and groundwater information been taken into account in making these determinations? Yes No
35. Has the water quality analysis required under §230.9 been compared to primary and secondary public drinking water standards as required under §230.10(e)? Yes No
    Does the concentration of any analyzed constituent exceed the standards? Yes No
    If yes, please list the constituent(s) and concentration measure(s) which exceed standards:

Groundwater Availability and Usability Statements (30 TAC, §230.11(a)and (b).

36. Drawdown of the aquifer at the pumped well(s) is estimated to be _____ feet over a 10-year period and _____ feet over a 30-year period.
37. Drawdown of the aquifer at the property boundary is estimated to be _____feet over a 10-year period and _____ feet over a 30-year period.
38. The distance from the pumped well(s) to the outer edges of the cone(s)-of-depression is estimated to be _____ feet over a 10-year period and _____ feet over a 30-year period.

39. The recommended minimum spacing limit between wells is _____ feet with a recommended well yield of _____ gallons per minute per well.
40. Available groundwater is / is not (circle one) of sufficient quality to meet the intended use of the platted subdivision.
41. The groundwater availability determination does not consider the following conditions (identify any assumptions or uncertainties that are inherent in the groundwater availability determination):

Certification of Groundwater Availability (30 TAC, §230.11(c)). Must be signed by a Texas Licensed Professional Engineer or a Texas Licensed Professional Geoscientist.

42. I, _____Texas Licensed Professional Engineer or Texas Licensed Professional Geoscientist (circle which applies), certificate number _____, based on best professional judgment, current groundwater conditions, and the information developed and presented in this form, certify that adequate groundwater is available from the underlying aquifer(s) to supply the anticipated use of the proposed subdivision.

Signature: _____ (affix seal) and Firm Registration Number

Date: _____

SECTION 7

ENGINEER'S STATEMENT

This report is prepared to comply with the Rules of Fort Bend County Texas Governing Water and Wastewater Infrastructure. All statements in the report are true and accurate to the best of my knowledge.

_____
Engineer's Printed Name

Engineer's Seal & Signature
and Firm Registration Number

SAMPLE

APPENDIX "C"

BOND OR FINANCIAL GUAURANTEE SCHEDULE

WATER SERVICE

THE BOND OR CASH SURETY SHALL BE CALCULATED AS FOLLOWS
$4500 PER LOT

SEWAGE SERVICE
THE BOND OR CASH SURETY SHALL BE CALCULATED AS FOLLOWS
$5000 PER LOT

THE ENGINEER OF RECORD CAN REQUEST THE TOTAL OF EITHER OF THESE BE REDUCED BY PROVIDING JUSTIFICATION TO THE COUNTY ENGINEER

BOND COVERING CONSTRUCTION OF WATER AND OR SEWAGE SYSTEMS

STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF FORT BEND §

That _____ , as principal, and, _____ as surety, a corporation existing under and by virtue of the laws of the State of _____ and authorized to do an indemnifying business in the State of Texas, and whose principal office is located in the City of _____ , State of _____ , whose officer, residing in the State of Texas, authorized to accept service in all suits and actions brought within said State, is:

Officer's Name: _____

Address: _____

_____

hereinafter, called "Surety", are held and firmly bound unto FORT BEND COUNTY, a body corporate and politic under the laws of the State of Texas, hereinafter called "County", in the full sum of _____Dollars ($ _____), lawful currency of the United States of America, for the payment of which the said Principal and Surety bind themselves, their successors and assigns, jointly and severally, firmly by these presents:

WHEREAS, the principal plans to lay, construct, maintain and/or repair facilities in, a subdivision known as _____in the County, of Fort Bend, and the State of Texas, under the jurisdiction of the Commissioners' Court of Fort Bend County, Texas pursuant to the Commissioners' Court or adopted on the (to be determined) of the Commissioners' Court minutes of Fort Bend County, Texas, regulating same, which Commissioners' Court order is hereby referred to and made a part hereof for all purposes as though fully set out herein; and

WHEREAS, the principal has prepared, or caused to be prepared, plans, specifications and other documents for the construction of a water and/or sewage system.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the principal shall faithfully perform the activity described in the above mentioned plans, specifications

and other documents, pursuant to the minimum requirements and conditions of the above mentioned Commissioners' Court order regulating same, and do the perform each and every, all and singular, the matters and things in said Commissioners' Court order set form and specified to be by said principal and done and performed, at the time and in the manner therein specified, and shall pay over and make good and reimburse the County, all loss and damages which the County may sustain by reason of any failure or default on the part of said principal, then this obligation shall be null and void; otherwise to remain in full force and effect.

This bond is payable at the County Courthouse in Fort Bend County.

The term of this bond is for a period of two (2) years commencing on the date hereof, and may be continued from year to year by continuation certificate executed by the principal and the surety.

EXECUTED, this _____ day of _____ , 20 _____ .

_____	_____
Surety	Principal
By _____	_____
Attorney-in-Fact	Officer Authorized to Execute
Surety's Address:	Principal's Address:
_____	_____
_____	_____
_____	_____
_____	_____
Telephone: _____	Telephone: _____

ORDER ADOPTING
THE RULES OF FORT BEND COUNTY TEXAS
GOVERNING WATER AND WASTEWATER INFRASTRUCTURE,
A SUPPLEMENT TO FORT BEND COUNTY'S REGULATIONS OF SUBDIVISIONS
ADOPTED AUGUST 27, 2002, LAST REVISED APRIL 26, 2005

THE STATE OF TEXAS §
§ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF FORT BEND §

On this the 6th day of April, 2010, the Commissioners Court of Fort Bend County, Texas, sitting as the governing body of Fort Bend County, upon motion of Commissioner Morrison, seconded by Commissioner Prestage, as duly put and carried;

WHEREAS, the Commissioners Court of Fort Bend County approved the Rules of Fort Bend County Texas Governing Water and Wastewater Infrastructure, A Supplement To Fort Bend County's Regulations Of Subdivisions Adopted August 27, 2002, last revised April 26, 2005; and

WHEREAS, the Commissioners Court finds that the adoption of the Rules of Fort Bend County Texas Governing Water and Wastewater Infrastructure, A Supplement To Fort Bend County's Regulations Of Subdivisions Adopted August 27, 2002, last revised April 26, 2005 serves a public purpose;

IT IS ORDERED, ADJUDGED AND DECREED by the Commissioners Court of Fort Bend County, Texas, that the aforementioned regulations be and are hereby approved effective on the date of approval of this order.

Robert E. Hebert
County Judge

Richard Morrison
Commissioner, Pct. 1

Grady Prestage
Commissioner, Pct. 2

W. A. "Andy" Meyers
Commissioner, Pct. 3

James Patterson
Commissioner, Pct. 4

ATTEST:

Dianne Wilson
County Clerk

MTR: Engineering subdivision rules 2836 (04062010)