

# Matagorda County Drainage District # 1 (MCDD # 1)

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## RULES & REGULATIONS

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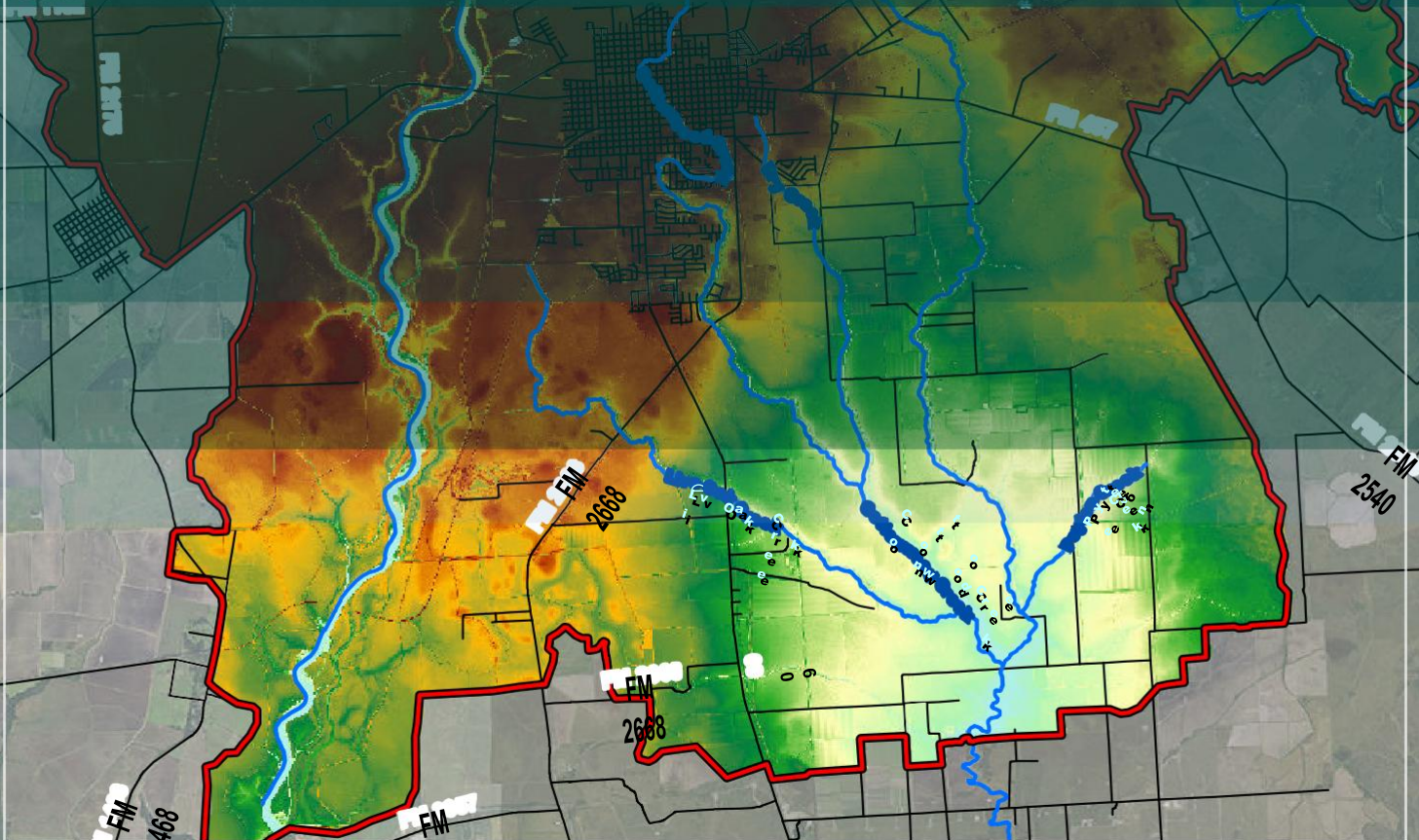


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## DEFINITIONS

**Applicant** – Person or entity requesting a permit from the District. The Applicant, if not the Owner, must have the Owner's written permission to seek a permit.

**As-Built / Record Drawings** – Final construction drawings reflecting actual installed conditions.

**Detention Facility** – Structure or area designed to store stormwater runoff temporarily.

**Development** – Any activity that alters land surface, runoff, or drainage characteristics.

**Detention Facilities Maintenance Agreement (DFMA)** – An agreement between the District and the developing Property Owner that ensures proper maintenance of all stormwater drainage and detention facilities in accordance with the District's approved Permit.

**Drainage Facility** – Any channel, ditch, storm sewer, detention basin, or related infrastructure under District jurisdiction.

**Drainage Impact Analysis (DIA)** – Study evaluating pre- and post-development drainage conditions.

**Drainage Plan** – Engineering drawings and calculations showing stormwater management.

**Easement** – Legal right for access or use of property for drainage or utilities.

**Engineer of Record (EOR)** – Licensed Professional Engineer responsible for design and certification.

**Floodplain** – Area subject to inundation by the 1% annual chance flood.

**Floodway** – Portion of floodplain required to convey flood flows without raising the water surface elevation.

**Impervious Cover** – Surfaces that prevent water infiltration into the soil.

**Master Drainage Plan** – District plan identifying long-term drainage infrastructure needs.

**Outfall** – Point where stormwater discharges into a drainage system.

**Owner** – Fee simple owner of the property, subject to permitting.

**Right-of-Way (ROW)** – Land reserved for public or District use and access.

## **ACRONYMS**

**CFR** – Code of Federal Regulations

**DFMA** – Detention Facilities Maintenance Agreement

**DIA** – Drainage Impact Analysis

**EOR** – Engineer of Record

**FEMA** – Federal Emergency Management Agency

**MCDD** – Matagorda County Drainage District

**P.E.** – Professional Engineer

**ROW** – Right-of-Way

**TCEQ** – Texas Commission on Environmental Quality

**TxDOT** – Texas Department of Transportation

**1. RULES AND REGULATIONS**

RULES AND REGULATIONS, DEVELOPMENT AND CONSTRUCTION POLICIES FOR PRIVATE OR PUBLIC - UTILITY, PIPELINE, ROAD, AND CABLE CROSSINGS, DRAINAGE CONNECTIONS WITHOUT LAND USE CHANGES, DRAINAGE IMPACT ANALYSIS REPORT, TRACT DEVELOPMENT WITHOUT PLATTING, AND TRACT DEVELOPMENT WITH PLATTING, ESTABLISHING FEES, PROVIDING PENALTY, AND PROVIDING FOR A FINE OF NOT MORE THAN **\$500.00 PER DAY OF VIOLATION** UPON CONVICTION OF A VIOLATION UNDER THESE RULES AND REGULATIONS; PROVIDING FOR ATTORNEYS FEES AND EXPERT WITNESSES FEES AND COSTS OF COURT; PROVIDING AN EFFECTIVE DATE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR POSTING AND PUBLISHING.

WHEREAS, the Matagorda County Drainage District # 1, hereinafter "**District**," has power and authority to control the drainage of overland flows of the lands within the District, as granted under the State of Texas, under the provisions of Section 52, Article III, of the Constitution of the State of Texas, and further authority under the General Laws of the State of Texas, and

WHEREAS, this authority governs the use, connection to, the crossing of, or alteration in any other means of any Drainage Facility with the District, and

WHEREAS, the District's Directors have determined that it would be in the best interest of the District to adopt policies to establish guidelines and procedures for obtaining the District's approval for use, connection to, the crossing of, or alteration in any other means, Drainage Facilities within the District for each of the following:

1. Private or Public – Utility, Pipeline, Road, and Cable Crossing
2. Drainage Connection Without Land Use Changes
3. Drainage Impact Analysis Report
4. Tract Development without Platting
5. Tract Development with Platting

BE IT RESOLVED, by the Directors of the District, that these rules, having full force and effect fourteen (14) days after adoption, establish the following Development and construction policies for the District until amended or revoked by further appropriate action of the District.

**2. PURPOSE AND SCOPE**

To control flooding and detain excess runoff from a project within the District, drainage plans and plats (if applicable) must be submitted, accepted, reviewed, and approved by the District, and a permit issued by the governing entity with jurisdiction **prior to the commencement of construction**.

Any proposed development within the District must provide adequate provisions to detain the peak discharge to eliminate any increased site runoff discharge rate, as well as water levels in the affected drainage artery. In the event that any development within the District increases the runoff discharge rate or the peak discharge flow or water level in any drainage artery, the Developer, at their own expense, shall implement drainage system corrections to prevent any such increase.

### 3. OTHER AGENCIES ROLES & RESPONSIBILITIES

In addition to the Drainage Permit issued by the District, the Applicant is responsible for complying with the rules and regulations listed below. Where the District criteria may conflict with the following jurisdictional standards, the Applicant shall use the regulation with the highest standards:

1. Federal regulations and laws,
2. Texas Administrative Code,
3. Other State agencies' regulations and laws,
4. County regulations and laws,
5. City regulations and ordinances within city boundaries.

The District does not manage floodplain changes, nor is it designated as the floodplain administrator for the area. All issues regarding local floodplain regulations and Development within the delineated 100-year floodway must be coordinated with the agency with jurisdiction.

### 4. GENERAL PERMIT REQUIREMENTS

A permit is a legal document that gives the property owner permission to start construction of a project at an agreed-upon location, within a set time frame, in accordance with the District-approved drawings and Permit.

Any project that changes the natural flow of water on the property or adjacent properties, including modifications to sheet flow, swales, ditches, sloughs, or other natural or constructed conveyances, requires a permit application. The purpose is to address the altered flow and meet the District's regulations.

Signed and sealed engineering drawings (i.e., drainage plans) and calculations must be submitted for District review to confirm that the proposed work will not create adverse drainage or flooding impacts on any drainage artery or adjacent property. Refer to "Drainage Criteria, Methodology, and Requirements" for additional guidance (available on the District's website).

**120-day resolution** - If the District has requested additional documentation or changes to a Permit Application and the District fails to receive all the requested additional documentation or changes after one hundred twenty (120) calendar days, the permit application will be considered withdrawn. The Applicant must ensure that any request for a deadline extension is submitted before the 120-day expiration. Extensions will be considered on a case-by-case basis.

Also, the Applicant must follow the latest "Drainage Criteria, Methodology, and Requirements", standards, guidelines, and other documents available on the District's website.

#### 4.1. PERMIT APPLICATION, SUBMITTAL, AND REVIEW OF THE APPLICATION PACKAGE

Each non-exempt person, business, governmental entity, or other entity shall create an account, then complete and submit the appropriate Application in the District web-based Portal (**please see the District website for Portal link, additional guidelines, and help**).

Upon receipt of the complete submittal package from the Applicant, the District shall, in its best effort, provide comments no longer than thirty (30) calendar days from the date of the complete submittal package. However, the District may notify the Applicant if additional review time is required. Once all District comments have been addressed, the Applicant shall submit the revised Final Drainage Plans and accompanying documents (i.e., capacity letter, TxDOT permit, etc.) to the District at least fourteen (14) days prior to the scheduled Board meeting for final review and approval by the District.

#### 4.2. FEE SCHEDULE WORKSHEET

- A. Plans (and plats, if required) submitted to the District for approval must be accompanied by payment acceptable to the District for an amount specified in the **Fee Schedule Worksheet** (available on the District's website) and as specified by the resolution of the District.
- B. This fee shall provide for two (2) reviews of the complete Permit Application. The review fees for any additional reviews shall be as indicated on the Fee Schedule Worksheet and shall be submitted with the revised Permit Application package.
- C. The District will NOT accept or review incomplete permit packages (including all required fees paid in full to the District via an acceptable form of payment).
- D. The Applicant shall be responsible to the District for additional engineering costs incurred during the review of the Application. The District shall notify the Applicant prior to charging such fees. If additional expenses are incurred beyond the initial Application Fee, the District will invoice the Applicant. The invoiced amount shall be paid within thirty (30) days of presentation and prior to the Permit Application being placed on the Board agenda for consideration. If not paid, any cost shall bear the maximum interest allowable under the law. If the District employs an attorney to collect the unpaid delinquent fees or costs, the District shall be entitled to reasonable attorney fees and all costs of Court occasioned by such event.

#### 4.3. APPLICABLE BONDS

- A. If required by the Board, the Applicant shall provide the District with a bond, cash, or irrevocable letter of credit, in an amount to be determined by the District, prior to the issuance of the Permit. The bond or irrevocable letter of credit must be made payable to the District and shall be on a form acceptable to the District. Cash may be in the form of a certificate of deposit to be placed with the District. The bond or irrevocable letter of credit shall be in force for a period not less than one (1) year from the date of permit approval.
- B. The District shall release the bond, cash, or irrevocable letter of credit after receipt of the Record Drawings and As-built Certificate, after an inspection of the construction site is made by the District not less than one (1) year from the date of permit approval, and after the District is satisfied that the site has been restored to acceptable conditions.
- C. In the case that an Applicant is providing a bond, cash, or irrevocable letter of credit to another governmental entity having jurisdiction in the area, the Applicant may substitute these bonds for the requirements of this Section.

- D. The Applicant must select a Bond Company that has a Best's rating of at least B+ and a Best's Financial Size Category of Class VI or better, according to the most current edition of Best's Key Rating Guide (<http://www.ambest.com>), and the issuer must be an eligible non-admitted insurer in the State of Texas. The Applicant must also ensure that the District's name (Matagorda County Drainage District # 1) is clearly listed.

#### 4.4. DISTRICT MEETINGS – FINAL REVIEW AND APPROVAL

- A. The Board of Directors shall hold such regular and special meetings at the District's office as deemed necessary for the proper conduct of the District's business.
- B. The permit package is only considered Agenda Ready once all requirements are met, including comments verified/addressed and all required fees paid in full.
- C. The Board Agenda Submittal Deadline is fourteen (14) calendar days prior to the regularly scheduled Board Meeting at which approval is desired.
- D. Permit Packages considered Agenda Ready by this deadline will be placed on the agenda for the Board's final review and approval.
- E. During the Board of Directors' meeting, the District Engineer will present the permit application submittal to the Directors for review and discussion, at which time the District Engineer will make a recommendation to the Directors regarding acceptance or denial of the Application. The Applicant may participate in the discussion and offer any additional information the Developer deems necessary to assist the Board of Directors in making its decision.
- F. An affirmative vote of a majority of the Directors present at the Board of Directors meeting of the District at which the permit application is heard is required to approve any plans and/or plats submitted to the Board.
- G. When applicable, the Preliminary Plan and Preliminary Plat (if platting) shall be approved prior to the Submittal of the Final Plan and Final Plat (if platting).
- H. Once the Board approves the permit application, the District staff will forward the no-objection letter issued by the District engineer and the Permit Application signed by the District to the Applicant and any other related governmental entities. **In no case shall any construction activities start before this step is completed.**
- I. Permits shall have no force or effect upon easements or rights-of-way granted by others to the District unless an easement or right-of-way is also granted to the Applicant by the Owner of the tract of land in question.

#### 4.5. WHEN SIGNIFICANT CHANGES OCCUR DURING REVIEW OR AFTER APPROVAL

- A. If an Applicant significantly CHANGES (alters land use, increases impervious coverage, makes modifications to drainage/detention, etc.) a plat, drainage plans, drainage report after initial Submittal, and/or the Board approves a permit application, the review process shall start over with the Submittal of a new permit application package and payment of associated fees.

- B. The significance of these changes or revisions depends on the character and extent of the changes made, as solely determined by the DISTRICT. The following is required when submitting the new permit application package:
- i. A new **Application Form** must be completed within the Portal, and fees must be paid to the DISTRICT.
  - ii. Altered plans must contain clouds and deltas.
  - iii. Make sure the files are bookmarked and fit the page.
  - iv. A narrative must be submitted and attached separately, noting a page-by-page breakdown of all changes.
  - v. Be sure to reference the previous District-issued permit number and project address.
  - vi. Failure to comply with these requirements will delay the processing of your permit package.

#### 4.6. POST APPROVAL REQUIREMENTS

- A. Detention facilities and outfall must be constructed and available prior to beginning construction of any land-use changes and/or impervious improvements.
- B. The Applicant shall maintain a signed copy of the approved Permit and drawings on the project site. Permits shall have no force or effect upon easements or rights-of-way granted by others to the District unless an easement or right-of-way is also granted to the Applicant by the Owner of the tract of land in question.
- C. Within thirty (30) days after approval, the Applicant shall provide to the District:
- i. A copy of the final plat with all recording information.
  - ii. A complete set of final construction plans.

Before the start of construction - At **least two business days** prior to starting construction of the Detention Facilities and Drainage Infrastructure, the Developer's contractor shall notify the District's General Manager in writing. The Pre-Construction Notification template form is available on the District's website.

- D. Post Construction Steps - Within thirty (30) days after completion of the drainage-related permitted work, the Applicant shall submit the following via the District's Portal:
- (I) **Record Drawings**, both hard copy and an electronic copy (PDF).  
**As-built Certificate** (available on the District's website) or statement letter signed and sealed by the Engineer of Record certifying that all work performed was completed in compliance with the District's latest Rules and Regulations and per the approved Permit.

**4.7. PERMIT APPLICATION EXPIRATION**

The District applies specific time limits to all permit approvals to keep projects active, maintain accurate records, and protect drainage infrastructure from incomplete or outdated work.

These time frames outline when construction must begin, when it must be finished, and how long preliminary and final approvals remain valid. They also explain when a permit may be considered abandoned and when extensions may be requested.

The following provisions define these requirements and the conditions under which approvals may expire or become void.

Type of Permit	Permit Expiration (Post Approval)	Completion Construction Deadline (Post Approval)
Private and Public - Utility, Pipeline, Road, and Cable Crossings	Six (6) months	Six (6) months
Drainage Connections <b>Without</b> Land Use Changes	Six (6) months	Six (6) months
Drainage Impact Analysis (DIA) Report	N/A	N/A
Tract Development <b>Without</b> Platting	Twelve (12) months	Twenty-four (24) months
<b>Tract Development <u>With</u> Platting <sup>(1)</sup></b>		
1. Prelim Plat	Six (6) months	N/A
2. Final Plat & Drainage Plans	Twenty-four (24) months	Twenty-four (24) months

<sup>(1)</sup> In cases where approval is given for a master plan, and only certain sections are built immediately, the master plan approval will be valid for five (5) years.

**4.8. OWNERSHIP AND MAINTENANCE RESPONSIBILITIES**

- A. Under Section 56.140 of the Texas Water Code, the District holds full ownership and control of all canals, drains, ditches, levees, and watercourses it builds or maintains. These facilities are public property of the District.
- B. The District shall not be responsible for the operation and maintenance of any drainage/ detention facilities unless specifically approved and agreed upon by the District.
- C. All detention facilities constructed by an Applicant, Property Owner, or Developer shall be operated and maintained by the Applicant, Property Owner, or Developer, their legal heir(s), grantee(s), successor(s), or assignee(s). The District reserves the right to require any changes, maintenance, or repairs as necessary to provide protection of life and property.

- D. The District shall be provided with a copy of the legal documents for the creation of any quasi-public entity responsible for the operation and maintenance of a drainage/detention basin.

#### 4.9. EXISTING FACILITIES

- A. Should the land use change on the property either permitted by or contained within an existing facility, the District shall not be responsible for the Drainage Facility's improvement, replacement, and/or removal of the Drainage Facility.
- B. Should the Drainage Facility become damaged for any reason or deteriorate due to natural causes, the applicant/property owner shall pay for the replacement and repair of the Drainage Facility, including all materials, labor, and equipment costs.
- C. Should the Drainage Facility be damaged by **the District's** equipment and personnel during normal District operations due to negligence, the District will use its equipment and personnel to repair or replace the Drainage Facility.
- D. Should the District, due to either safety concerns or by Agreement with the property owner, undertake the replacement, repair, and/ or removal of a damaged structure, the property owner shall reimburse the District for all materials, labor, and equipment costs incurred in replacing, repairing, and/ or removing the structure.
- E. For facilities within the District ROW, the District may require the Applicant or Owner of the Drainage Facility, at the Owner's own expense, to relocate the Drainage Facility by giving the Applicant or Owner thirty (30) days' written notice.

## 5. PERMIT APPLICATION TYPES

This Section outlines the types of permit applications reviewed by the District and the specific requirements for each. Projects vary in complexity, so the District uses separate application paths for crossings, drainage planning, and development activities, with or without platting. Each application type has its own submittal expectations and review steps. The following subsections explain these permit categories and describe what Applicants must provide for the District to conduct a complete and timely review. For additional information and requirements, please refer to other documents available on the District's website.

### 5.1. PRE-DEVELOPMENT MEETING

- A. We strongly encourage scheduling a Pre-Development Meeting with the District Engineer and/or staff before starting any project within the District. Please come prepared with a conceptual plan and a clear vision of your proposed Development.
- B. Please refer to **Section 4** above for additional requirements.
- C. This informal meeting will provide general information about the permitting process; help you better understand what may be required by the District to set realistic schedules and expectations for your project; allow you to ask any questions related to overall drainage on and surrounding your property; and/or identify potential obstacles that may impact your Development.
- D. Please note that the District cannot advise on how to develop your property or guarantee permit approval.

### 5.2. DETENTION FACILITIES MAINTENANCE AGREEMENT (DFMA)

- A. A DFMA is an agreement between the District and the developing Property's Owner that ensures proper maintenance of all stormwater drainage and detention facilities in accordance with the District's approved Permit.
- B. When proposing Detention Facilities regulated by the District, the Applicant shall pay all expenses related to the DFMA. These fees include, but are not limited to:
  - The cost of preparation of the Agreement (as set forth in the **Fee Schedule Worksheet**), and, to the extent required by the District. Please refer to **Section 4** above for additional requirements.
  - Title company costs for verifying ownership of and any encumbrances on the property used for detention, and
  - Recording fees required by the Matagorda County Clerk's office.

A deposit pursuant to the Fee Schedule will be required, and the District shall notify the Applicant of these fees, which are payable by an acceptable form of payment and submitted to the District prior to the Permit Application being placed on a Board agenda for consideration; provided that preparation of a DFMA for (a) a residential subdivision with fewer than ten (10) lots will be charged a standard agreement fee, (b) a residential subdivision with ten (10) or more lots or any commercial subdivision will be charged on an hourly rate basis, in each case with a minimum deposit as set forth in the Fee Schedule.

### 5.3. PRIVATE OR PUBLIC UTILITY, PIPELINE, ROAD, AND CABLE CROSSINGS

- A. This Application type encompasses projects in which the construction of utilities, pipelines, roads, and cables, whether publicly or privately owned, is planned to cross any drainage facility within the District's jurisdiction.
- B. All new crossings shall be governed by and shall meet the requirements stated herein.
- C. For crossing projects, the drawings must include a plan and profile view, the District's easement or fee strip limits if applicable, the survey name and abstract number, and the physical location, including State Plane Coordinates.
- D. A private irrigation line servicing a single landowner shall comply with all Rules & Regulations of this article except for the depth, which shall be at least 30 inches below grade.
- E. Crossings of District facilities herein shall include, but not be limited to, utilities, pipes, bridges, roads, dams, concrete or rock low-water crossings, etc.

#### 5.3.1. PERMIT APPLICATION, SUBMITTAL, REVIEW, AND FEE

Please refer to **Section 4** above for additional requirements.

#### 5.3.2. SPECIFIC REQUIREMENTS

- A. Please refer to **Section 4** above for additional general requirements.
- B. The utility crossing must not restrict channel flow, and any crossing that impairs drainage is prohibited. The design must match the channel section and the limits of the District's easement or fee strip. All crossings must also comply with the District's Master Drainage Plan, as adopted or amended. Refer to "Drainage Criteria, Methodology, and Requirements", standard guidelines, and other documents for additional guidance (available on the District's website).
- C. Utilities shall include, but not be limited to, water lines, sanitary sewer lines, oil and gas pipelines, and cable/conduit lines.
- D. All utilities, pipelines, and cables shall cross a Drainage Facility within 20 degrees or perpendicular to that Drainage Facility. No utility, pipeline, or cable shall be located within and parallel to a District easement, fee strip, and/or Drainage Facility.
- E. All utility lines shall be placed under the channel of a Drainage Facility with the top portion of the utility casing or carrier line no less than ten (10) feet below the projected flowline of the ultimate channel as provided by the most recently adopted version of the District's Master Drainage Plan, if available or eighteen (18) feet minimum for aerial crossings, as shown in the **Standard District Details** (available on the District's website). The proposed utility, pipeline, or cable must stay at this depth for the entire width of the existing easement and then may be sloped towards the ground surface at a slope not to exceed 3:1.

- F. When appropriate, facilities may be constructed on special utility bridges or trestles in accordance with standard bridge design criteria. Pipe and conduits spanning the channel should be located above the top of banks for hydraulic and maintenance reasons. These overhead crossings shall be approved by the District prior to design and construction. For utility crossings on public bridges, contact the appropriate government body responsible for the bridge for approval.
- G. All pipelines, except bore crossings, with a working pressure exceeding 200 pounds per square inch shall be constructed with a concrete pad over the line. The pad shall extend one (1) foot on either side of the pipeline edge for the full length of the District's easement and shall be six (6) inches thick. The concrete mix shall include a color dye that meets District specifications and has approval. The top surface of the pad shall be a minimum of ten (10) feet below the projected flowline of the channel as provided by the most recently adopted version of the District's Master Drainage Plan, if available.
- H. All manholes, pull boxes, junction boxes, etc., required for the utility or utility conduit shall be located outside the District's easement or fee strip. Backfill within the District's easement or fee strip shall be in accordance with the backfill requirements specified by the District or the utility company, whichever is most stringent.
- I. Crossings shall be clearly marked in the field with a sign on either side of the Drainage Facility, which shall be placed immediately outside the District easement or fee strip. Each sign shall contain the name, address, and contact phone number of the Owner of the utility. If the ownership of the utility changes, all signs shall be updated to the current ownership.
- J. Any crossing within a public right-of-way or easement shall have the approval of the City, County, State, or other governmental entity having jurisdiction over the right-of-way or easement **before District approval is granted.**
- K. Should the crossing be located within a public right-of-way or easement, the City, County, State, or other governmental entity having jurisdiction in the area shall be responsible for the maintenance, operation, repair, and/or removal of the crossing once the right-of-way or easement, including all public infrastructure contained therein, has been accepted by said entity.
- L. Crossings shall not impede or obstruct drainage flow or restrict the District's access to operate and maintain any drainage facility within its jurisdiction.
- M. Culverts shall be bedded and backfilled with suitable material to prevent settlement and washouts. The Board may require concrete riprap or other suitable erosion-prevention material after review of the Permit Application.
- N. Bridges or similar structures may require a Drainage Impact Analysis Report and additional erosion-prevention material, as determined by the Board, to protect the channel from erosion. No wooden bridges shall be allowed by the District.

## 5.4. DRAINAGE CONNECTIONS WITHOUT LAND USE CHANGES

This Application type encompasses all drainage connections to District facilities from properties that do not change existing land uses. **If land use changes are proposed**, the Applicant must submit a permit under Tract Development without Platting OR Tract Development with Platting.

### 5.4.1. PERMIT APPLICATION, SUBMITTAL, REVIEW, AND FEE

Please refer to **Section 4** above for additional requirements.

### 5.4.2. SPECIFIC REQUIREMENTS

- A. Please refer to **Section 4** above for additional general requirements.
- B. If land-use changes are proposed, the Applicant shall comply with the "Drainage Criteria, Methodology, and Requirements" (available on the District's website). If that is the case, **Drainage Plans** and calculations shall be submitted to the District for review and approval to ensure that adverse drainage or flooding conditions will NOT be created along any drainage artery or adjacent property as a result of the proposed Development.
- C. Statement letter signed and sealed by the Engineer of Record and supporting documentation justifying that no impervious cover or off-site flow is proposed, and the existing site's detention capacity and outfall are in accordance with the District's latest Rules & Regulations and "Drainage Criteria, Methodology, and Requirements" (available on the District's website).
- D. Open ditch connections to existing channels are prohibited. The Applicant shall use a pipe of approved material and size to connect the drain or ditch to an existing channel.
- E. If the proposed work requires enlargement or modification to an existing Drainage Facility, at no cost to the District, all work must comply with the District's Master Drainage Plan, now existing or hereafter adopted.

## 5.5. DRAINAGE IMPACT ANALYSIS REPORT

- A. This Application type encompasses the review of a drainage study report to confirm that a proposed project is designed per the District's latest Rules and Regulations and sound engineering practices.
- B. The purpose of a Drainage Impact Analysis (DIA) report is to document, identify, and resolve as many design issues as possible early in the project development phase to facilitate a review of the drainage plans and plat and, ultimately, a successful project.

### 5.5.1. PERMIT APPLICATION, SUBMITTAL, REVIEW, AND FEE

Please refer to **Section 4** above for additional requirements.

### 5.5.2. SPECIFIC REQUIREMENTS

- A. Please refer to **Section 4** above for additional general requirements.
- B. Signed and sealed Drainage Analysis of Pre & Post-Developed conditions by a licensed Texas Professional Engineer.
- C. A DIA Report is essential to confirm that a proposed project is designed in accordance with the District's latest Rules and Regulations, "Drainage Criteria, Methodology, and Requirements" (available on the District's website), and sound engineering practices. Please include all information deemed pertinent and beneficial to the general understanding of the proposed project/development.
- D. The report must provide justification for the drainage plan or design for review and approval. It is a reference document for others in the future who want to make additional improvements to the proposed Development and/or tract and to adjacent developments.
- E. To expedite the review of your Submittal, the Applicant must include sufficient information to satisfy the criteria outlined in the "Drainage Criteria, Methodology, and Requirements" (available on the District's website). Please also use/refer to the District's Report Table of Contents Template and the District's Drainage Summary Table Template (available on the District's website).

## 5.6. TRACT DEVELOPMENT WITHOUT PLATTING

This Application type encompasses any tract development that does not involve platting.

### 5.6.1. PERMIT APPLICATION, SUBMITTAL, REVIEW, AND FEE

Please refer to **Section 4** above for additional requirements.

### 5.6.2. SPECIFIC REQUIREMENTS

- A. Please refer to **Section 4** above for additional general requirements.
- B. The **Final Drainage Plans** and calculations shall be submitted to the District for review and approval to ensure that adverse drainage or flooding conditions will NOT be created along any drainage artery or adjacent property as a result of the proposed Development. Please see "Drainage Criteria, Methodology, and Requirements" for additional information and requirements (available on the District's website).
- C. Design criteria shall comply with the District's Master Drainage Plan, if available.
- D. A statement letter from the governing entity with the jurisdiction (i.e., City of Bay City, Water Districts) over the Development's drainage and detention facilities to certify the following: (i) confirmation they have reviewed the plans and have no objection to the proposed scope of work; (ii) confirmation that detention and outfall capacity for the Atlas 14 100-yr runoff are in place and available to serve the proposed Development.
- E. Acceptable evidence that any detention facility will be maintained and kept in operating condition. Said evidence may include funds available to the District, or other political subdivision of the State of Texas, for said maintenance should the detention facility need said maintenance, and the Developer, Owner, or other responsible party fail to provide such.

## 5.7. TRACT DEVELOPMENT WITH PLATTING

- A. This Application type encompasses any tract development that involves filing a plat, and it may include drainage improvements. A Preliminary Plat will typically also require the Submittal of Preliminary Drainage Plans. A Final Plat will typically also require the Submittal of Final Drainage Plans.
- B. It is suggested that the Applicant (Owner or subdivider) first secure and review a copy of the District's latest "Drainage Criteria, Methodology, and Requirements" (available on the District's website), and if applicable, also become familiar with the District Master Drainage Plan, now existing or hereafter adopted.
- C. Preliminary drainage plans and layouts for all drainage facilities shall be submitted by the Applicant to the District for review by the District Engineer, along with the submission of the **preliminary plat** of the subdivision.
- D. The Applicant shall submit final drainage plans at the time of filing the **final plat** with the District. Drainage plans shall be submitted to the District for review and approval to ensure that adverse drainage or flooding conditions will not be created along any drainage artery or adjacent property as a result of the proposed Development.

### 5.7.1. PERMIT APPLICATION, SUBMITTAL, REVIEW, AND FEE

Please refer to **Section 4** above for additional requirements.

### 5.7.2. SPECIFIC REQUIREMENTS

Please refer to **Section 4** above for additional general requirements.

## 5.8. PRELIMINARY DRAINAGE PLAN AND PLAT APPROVAL

The Preliminary Drainage Plan shall present the Developer's overall approach to moving rainfall runoff from the Development to the appropriate drainage artery. The rainfall distribution, loss rates, and hydrograph parameters used in the analysis shall be presented as described in the latest Rules and Regulations. The Preliminary Drainage Plan must also show the Detention System (where applicable), approximate volume, approximate sizes of any ditches, and the outfall with the proposed metering method.

The preliminary drainage plan must carry the interim seal of the engineer who prepared the plan.

### 5.8.1. PRELIMINARY PLAT AND DRAINAGE PLAN REQUIREMENTS

- A. Upload one (1) PDF of preliminary drainage plans (for both on-site and off-site drainage), including proposed detention and outfalls.
- B. Upload one (1) PDF of the Preliminary Plat.
- C. The preliminary plat shall conform to the requirements of the governmental entity having jurisdiction over platting, i.e., Matagorda County or the City.

- D. The District Signature Block (available on the District's website).
- E. The plat shall bear a properly executed dedication of all easements and/or fee strips intended for drainage use by the District, such dedicatory instrument to be signed by the Owner(s) and by all other persons or parties having an interest or having a mortgage or lien interest in the property. The plat shall show the location and dimensions of all existing and proposed drainage easements and fee strips, including deed recording vol. and page, clerk's file number, the grantee (e.g., Matagorda County, TxDOT, City, Public, etc.), type (e.g., easement or fee strip), and copies of the recorded deeds.
- F. The preliminary plat submitted for approval shall include the Applicant's entire holding or ultimate subdivision.
- G. Where the preliminary plat submitted for approval covers only a part, a unit, or an increment of the Owner's or subdivider's entire holding or ultimate subdivision, a sketch of future development and drainage facilities shall be provided.
- H. The District requires fee strips or easements to be dedicated in all developments within its boundaries for the Flood Protection Plan and for the District's access to and maintenance of its drainage facilities.

#### 5.8.2. CONDITIONAL APPROVAL OF PRELIMINARY PLAT

- A. Applicant agrees that the approval of the Preliminary Plat by the District does not constitute official acceptance of the proposed subdivision by the District but does constitute an authorization to begin and proceed with the preparation of the Final Subdivision Plat and Final Drainage Plans.
- B. The Applicant shall not use this Preliminary Plat approval to commence any construction activities until the Final Drainage Plans and Final Plat have been approved and accepted in official actions by the District and any governing entity with jurisdiction, and the instrument is recorded in the office of the County Clerk.

#### 5.9. FINAL DRAINAGE PLAN AND PLAT APPROVAL

After the District approves the Preliminary Plat, a Final Plat and Drainage Plans shall be prepared and submitted to the District for approval and subsequent recording in the office of the county clerk.

##### 5.9.1. FINAL PLAT REQUIREMENTS

- A. Upload one (1) PDF of the Final Plat.
- B. The final plat shall conform to the requirements of the governmental entity having jurisdiction over platting, i.e., Matagorda County or the City of Bay City.
- C. The District Signature Block (available on the District's website).

- D. The plat shall bear a properly executed dedication of all easements and/or fee strips intended for drainage use by the District, such dedicatory instrument to be signed by the Owner(s) and by all other persons or parties having an interest or having a mortgage or lien interest in the property. The plat shall show the location and dimensions of all existing and proposed drainage easements and fee strips, including deed recording vol. and page, clerk's file number, the grantee (e.g., Matagorda County, TxDOT, City, Public, etc.), type (e.g., easement or fee strip), and copies of the recorded deeds.

### 5.9.2. FINAL DRAINAGE PLAN REQUIREMENTS

- A. The **Final Drainage Plans** and calculations shall be submitted to the District for review and approval to ensure that adverse drainage or flooding conditions will NOT be created along any drainage artery or adjacent property as a result of the proposed Development. Please see "Drainage Criteria, Methodology, and Requirements" for additional information and requirements.
- B. Design criteria shall comply with the District's Master Drainage Plan, if available.
- C. A statement letter from the governing entity with the jurisdiction (i.e., Water Districts) over the Development's drainage and detention facilities to certify the following: (i) confirmation they have reviewed the plans and have no objection to the proposed scope of work; (ii) confirmation that detention and outfall capacity for the Atlas 14 100-yr runoff are in place and available to serve the proposed Development.
- D. Acceptable evidence that any detention facility will be maintained and kept in operating condition. Said evidence may include funds available to the District, or other political subdivisions of the State of Texas, for said maintenance, should the detention facility need said maintenance and the Developer, Owner, or other responsible party fail to provide such.

## 6. VARIANCES

If an applicant wishes to request an exception to any provision of these Regulations. In that case, the Applicant shall request a variance in writing from the District, setting forth the provision(s) from which the variance is sought and why it is needed. Such an Applicant must also explain how equivalent measures to the provision(s) from which a variance is sought will be provided or why the requirement(s) in the regulations do not apply to such Applicant's project.

The District will evaluate the request and deny or grant the variance. The District may approve a variance request under these Regulations based on sound engineering practice. Variances will be granted only if the conditions of Section 60.6 of Title 44 of CFR are met.

Specifically:

- (a) The Applicant has shown good and sufficient cause.
- (b) It has been determined that failure to grant the variance would result in exceptional hardship for the Applicant.
- (c) The granting of a variance will not result in an increased flood height, additional threats to public safety, extraordinary public expense, or create nuisances, cause fraud or victimization of the public.
- (d) Variances shall only be issued upon a determination that a variance is the minimum necessary, considering the flood hazard, to afford relief.
- (e) Economic hardship shall not constitute the sole basis for granting a variance. If a variance is granted, the person requesting such variance shall conform to all applicable provisions of these Regulations except the Sections for which a variance is granted.

## 7. INSPECTIONS

Based on the District's application review, the District may inspect the installation.

## 8. COLLECTION OF FEES

**SECTION 1** - Should costs expended by the District exceed the fee collected for the processing of any Application and the review of any construction work associated with any Application governed by these Rules and Regulations, the District will bill the Applicant for the additional costs, and said costs shall be paid within thirty (30) days of presentation. If not paid, said costs shall bear the maximum interest allowable under the law. If the District employs an attorney to collect the same, the District shall be entitled to reasonable attorney fees and all costs of the Court to enforce these Rules and Regulations.

## 9. PENALTIES AND ATTORNEY'S FEES

**SECTION 1** – Any person violating any of the provisions of the Rules & Regulations and "Drainage Criteria, Methodology, and Requirements" shall be guilty of a misdemeanor and shall be fined not more than \$500.00 upon conviction of such violation; provided, however, if such person is convicted of an offense under these Rules & Regulations and "Drainage Criteria, Methodology, and Requirements" which offense is also a violation of the penal laws of the State of Texas, such person shall be subject to the penalties set out in the penal laws of the State for the offense.

**SECTION 2** – Any person violating any of the provisions of these Rules & Regulations and "Drainage Criteria, Methodology, and Requirements" shall pay all reasonable and necessary attorney fees, expert witnesses' fees, interest, and costs of the Court and shall be subject to suit to enjoin a violation of these Rules & Regulations and "Drainage Criteria, Methodology, and Requirements".

**SECTION 3** – The provisions, powers, and penalties of the Water Code, including Section 49.004, and the Government Code, including Section 27.031, are incorporated herein by reference.

**SECTION 4** – Any violation of these Rules & Regulations, "Drainage Criteria, Methodology, and Requirements", and penal laws of the State of Texas may be enforced as allowed by law, including vacation of plats, permit forfeiture, or injunctive relief. Further, any person, firm, or corporation violating any of these Rules & Regulations and "Drainage Criteria, Methodology, and Requirements" shall be fined for each offense, and a separate offense shall be deemed committed each day during, on, or during which a violation occurs and continues.

## 10. SEVERABILITY

**SECTION 1** - If any provision, Section, subsection, sentence, clause, phrase of these Rules or Regulations, or the Application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of these Rules and Regulations or their Application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Board of Directors in adopting these Rules and Regulations, that no portion or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of these Rules and Regulations are declared to be severable for that purpose.

## 11. REPEAL

**SECTION 1** - These Rules and Regulations shall take effect from and after the date of its passage, and all Rules and Regulations or portions of Rules and Regulations heretofore passed in conflict with the terms hereof are specifically repealed.

END