

THE BURNET COUNTY SUBDIVISION REGULATIONS WERE ORIGINALLY ADOPTED BY THE BURNET COUNTY COMMISSIONERS COURT ON JANUARY 11, 2011 UTILIZING CHAPTER 232 OF THE TEXAS LOCAL GOVERNMENT CODE, SUBCHAPTERS A AND E. THEY HAVE BEEN AMENDED ON MARCH 12, 2019 TO REFLECT PROCEDURAL CHANGES, ADDRESS FLAG LOTS AND INCORPORATE APPENDIX G RELATING TO GROUNDWATER AVAILABILITY IN PLATTED SUBDIVISIONS.

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BURNET COUNTY SUBDIVISION AND DEVELOPMENT REGULATIONS

ARTICLE 1. INTRODUCTION

1. Preamble and Purpose

- A. These Subdivision and Development Regulations have been adopted by Order of Burnet County Commissioners Court to provide a framework for the orderly and efficient development of rural and suburban Burnet County.
- B. These Subdivision Regulations have been adopted based on the following findings:
 - 1. The Commissioners Court of Burnet County has the authority to regulate the subdivision process pursuant to Local Government Code § 232.001 et. seq.;
 - 2. The Commissioners Court of Burnet County has been designated by the Texas Commission on Environmental Quality as the authorized agent for the licensing and regulation of on-site sewerage facilities within Burnet County and these Regulations are a necessary component of such regulation;
 - 3. The Commissioners Court of Burnet County has the authority and obligation to exercise general control over the roads, highways, bridges and related drainage structures and development within Burnet County;
 - 4. The Commissioners Court of Burnet County has been granted the authority and responsibility under the Federal Emergency Management Act to administer floodplain development regulations within the County and to regulate associated development;
 - 5. The Commissioners Court of Burnet County has considered the potential pollution, nuisances and injury to public health that could be caused by the use of private sewerage facilities within the County and has adopted these Regulations to abate or prevent the potential pollution, nuisances or injury to public health;
 - 6. The Commissioners Court of Burnet County has the authority and obligation to protect the public health, safety and welfare of the citizens of Burnet County;
 - 7. These Regulations are enacted to implement the powers conveyed to counties under the laws of the State of Texas, including but not limited to:
 - Tex. Transportation Code Ann., Chapter 251 (general control over all roads, highways and bridges);
 - Tex. Health and Safety Code Ann., Chapter 364 (County solid waste disposal systems);
 - Tex. Utilities Code Ann., Sections 181.021-.026 (regulation of gas utility lines within county right-of-way);
 - Tex. Health and Safety Code Ann., Chapter 366 (authority to adopt standards for on-site sewerage facilities);
 - Tex. Health and Safety Code Ann., Chapter 365 (regulation of public highways for litter control), Tex. Local Gov't Code Ann. Chapter 232 (Authority to adopt and enforce subdivision regulations and require plat approval), Tex. Local Gov't Code Ann. Section 242.001 (authority to regulate subdivisions pursuant to all statutes applicable to counties within the extraterritorial jurisdiction of municipalities), Tex. Health and Safety Code Sections 121.003 and 122.001 (authority to enforce laws and appropriate funds necessary to protect public health), Tex. Water Code Ann. Section 16.311, et seq. (authority to set standards for construction within floodplain and to guide development of future development to minimize damage caused by floods), Tex. Water Code Ann. Chapter 54 (municipal utility districts), Tex. Water Code Chapter 26 (Water Quality Control), and Tex. Water Code Sections 26.171 and 26.175 (regulation of water quality by counties);
 - 8. The Commissioners Court has considered the potential burden on landowners and taxpayers of substandard development or poor quality road construction;

9. These Regulations are enacted to preserve, protect and promote the health, safety, morals or general welfare of the county and the safe, orderly, and healthful development of the unincorporated area of the county.
- C. The Commissioners Court of Burnet County, following public notice, investigation and hearing, has declared and hereby declares these Regulations to be necessary and appropriate to accomplish the purposes and goals enumerated above.

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF BURNET TEXAS, AS FOLLOWS:

2. **General Provisions**

- A. **Short Title.** This order and subsequent amendments shall be known as the "Subdivision Regulations" of Burnet County, Texas.
 - B. **Jurisdiction.** No person shall create a subdivision in Burnet County outside of the corporate limits of any municipality without complying with the provisions of this Order. If the County and a municipality enter into a written agreement under Section 242.001 of the Local Government Code which authorizes the municipality to regulate subdivision plats and approve related permits in the municipality's extraterritorial jurisdiction, then the land in the municipality's extraterritorial jurisdiction is not considered to be within the jurisdiction of the County. All plats and subdivisions of any such land within the County's jurisdiction shall conform to the rules and regulations herein set forth.
 - C. **Interpretation and Purposes.** In their interpretation and application, the provisions of this Order shall be deemed to be the minimum requirements, and whenever the principles, standards or requirements of other orders of Burnet County, the more restrictive order shall control.
 - D. **Applicability. Platting Requirements** apply when the tract of land being divided meets the definition of a subdivision as defined by these rules.
 - E. **Acceptance of Dedications.** Approval of a plat by the Commissioner's Court shall not be deemed an acceptance of the proposed dedications, if any, shown thereon, and shall not impose any duty upon the County concerning maintenance or improvements of any such dedications. The Commissioners Court will determine which dedications will be accepted for county maintenance based on interconnectivity with existing county or state maintained roads. The enforcement of any plat or deed restrictions is the responsibility of the Subdivider and property owners in the subdivision. It is the obligation of the developer to organize the Property/Homeowners Association for the purpose of infrastructure maintenance.
3. **Definitions.** For the purpose of this Order, the terms, phrases, words, and their derivations used in these regulations shall have the meaning as stated in Appendix A. When not inconsistent with the context, words used in the present tense include the future; words used in the plural include the singular number. The word "shall" and "will" are always mandatory, while the word "may" is merely permissive. As used herein, singular nouns and pronouns shall include the plural, and the masculine gender shall include the feminine gender, where necessary for a proper understanding of these Rules. Definitions not expressly prescribed herein are to be construed in accordance with customary usage in governmental planning and engineering practices.

4. **Enforcement.** In addition to any other remedy provided by law, at the request of the Commissioner's Court, the County Attorney or other prosecuting attorney may file an action in a court of competent jurisdiction to:
- (a) enjoin the violation or threatened violation of a requirement established by, or adopted by the commissioners court under a preceding section of this chapter; or
 - (b) recover damages in an amount adequate for the county to undertake any construction or other activity necessary to bring about compliance with a requirement established by, or adopted by the commissioner's court under a preceding section of this chapter.

Pursuant to Chapter 232.005(b), an offense under these regulations is a Class B misdemeanor punishable by fine or imprisonment or both.

5. **Special Provisions.**

- A. It shall be unlawful for the Burnet County Clerk to record the Final Plat or replat, unless and until the same shall have been approved by the Burnet County Commissioners Court.

6. **Legal Provisions.**

- A. **Conflicting Orders.** If any other County Order is in conflict with this Order, the more stringent rules will apply. Nothing will be permitted under the provisions of this Order that is in violation with another valid Order of the County.
- B. **Severability Clause.** If any provision of this Order, or the application thereof to any person or circumstance(s) is held invalid, the remainder of the Order, and the application of such provision to other persons or circumstances, shall not be affected thereby.

7. **Guarantee of Performance.** No plat of any subdivision shall receive final approval unless the subdivider has complied or provided for compliance with the policies and procedures set forth in these regulations as they may be applicable. Until these policies and procedures have been complied with by the subdivider and the plat approved by the Commissioners Court as herein required, no septic system permit or development permit shall be issued by the Burnet County Environmental Services Department as to any property in an unrecorded subdivision developed subsequent to this Order.

8. **Acceptance by Commissioners Court of Subdivision Streets built prior to April 24, 2000 for County maintenance and Public Subdivision streets subsequent to the date of this Order.**

- A. Main arterial roads within any subdivision established prior to April 24, 2000 must have been dedicated to the public.
- B. All subdivisions affected under this section must reach fifty (50%) percent or greater occupancy and/or a constant daily minimum traffic count consistent with public safety as determined by the Precinct Commissioner.
- C. Property owners, within the subdivision, or subdividers, affected by this section, shall donate all material costs needed to improve roads to meet county specifications as a method of acceptance of subdivision roads. County will provide labor and equipment.
- D. Only the main arterial roads with a minimum 50 foot right-of-way (or an adequate right-of-way as deemed adequate by the commissioners court) in a subdivision will be considered for maintenance acceptance.

- E. Request for acceptance as county roads, must be by written petition signed by a majority of the property owners and/or the authorized representative of the subdivision association and/or the governmental trustees or entity.
- F. It shall be unlawful for commissioners to maintain the streets and roads in any subdivision, and Burnet County will not accept or maintain said street and roads in any subdivision, unless and until such streets and roads have been constructed as specified in these regulations or regulations in effect at the time subdivision was established and the required utilities and drainage facilities have been installed, and such improvements have been accepted by order in writing by the Burnet County Commissioners Court in open session.

9. **Exceptions to Plat Requirement**

Persons dividing property based on the following section should be aware of lot sizing requirements based on regulations relating to the Central Texas Groundwater Conservation District and the Burnet County Regulations for On-site Sewage Facilities.

- A. All provisions of Section 232.0015 of the Texas Local Government Code, as now in effect or hereafter amended, are hereby incorporated by reference. If a conflict exists between these Rules and the provisions of said statute, the provisions of said statute shall control over these Rules. In accordance with Local Government Code, a subdivision plat is not required if the owner of a tract of land divides the tract into two or more parts as follows:
 - 1. the owner does not lay out a part of the tract for streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts; and
 - 2. the land is to be used primarily for agricultural use, as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management, or timber production use within the meaning of Section 1-d-1, Article VIII, Texas Constitution.
 - 3. If a tract described by Subsection 2 ceased to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use, the platting requirements of this regulation apply.
- B. The division of a tract of land located outside the limits of a municipality into four or fewer parts and does not lay out a part of the tract for streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts, and if each of the lots is to be sold, given, or otherwise transferred to an individual who is related to the owner within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code. If any lot is sold, given, or otherwise transferred to an individual who is not related to the owner within the third degree by consanguinity or affinity, the platting requirements of this regulation shall apply.
- C. The division of a tract of land located outside the limits of a municipality into two or more parts if:
 - 1. all of the lots of the subdivision are more than 10 acres in area; and
 - 2. the owner does not lay out a part of the tract for 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
- D. The division of a tract of land located outside the limits of a municipality into two or more parts and does not lay out a part of the tract for streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or

owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts if all the lots are sold to veterans through the Veteran's Land Board Program.

- E. The provisions of these regulations shall not apply to a subdivision of any tract of land belonging to the state or any state agency, board, or commission or owned by the permanent school fund or any other dedicated funds of the state unless the subdivision lays out a part of the tract for 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.
- F. The division of a tract of land located outside the limits of a municipality into two or more parts if:
 - 1. the owner of the land is a political subdivision of the state; and
 - 2. the land is situated in a floodplain; and
 - 3. the lots are sold to adjoining landowners.
- G. The division of a tract of land located outside the limits of a municipality into two or more parts if:
 - 1. the owner does not lay out a part of the tract for streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts; and
 - 2. one new part is to be retained by the owner, and the other new part is to be transferred to another person who will further subdivide the tract subject to the plat approval requirements of these regulations.
- H. The division of a tract of land located outside the limits of a municipality into two or more parts if:
 - 1. the owner does not lay out a part of the tract for streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts; and
 - 2. all parts are transferred to persons who owned an undivided interest in the original tract and a plat is filed before any further development of any part of the tract.
- I. An Owner whose subdivision is exempt from the platting requirements of these Regulations shall provide the following items to the Burnet County Development Services Office for review. Upon approval of the Burnet County Development Services Department a permanent record will be maintained in the county GIS system for that property.
 - 1. A duplicate copy of the recorded conveyance instrument, with legible metes and bounds description attached hereto;
 - 2. A survey or sketch showing the boundaries of the Lots, adjacent roads and adjacent property owners;
 - 3. An executed registration form in the form promulgated by the County which shall require the Owner to acknowledge that all Lots remain subject to the on-site wastewater rules and development permit requirements of the County.

10. CHAPTER 245 DETERMINATIONS

A. Expiration of Existing Permits (Dormant Projects)

Any permit that does not have an expiration date, and where no progress towards completion of the project has occurred shall expire on the first anniversary of the date that the Burnet County Commissioner's Court approved the permit.

B. Expiration of Existing Projects

Any project that does not have an expiration date, and where no progress towards completion of the project has occurred shall expire on the second anniversary of the date that the Burnet County Commissioner's Court approved the project. Progress towards the completion of the project shall include any of the following:

1. An application for a final plat is submitted to the Burnet County Commissioner's Court.
2. A good faith attempt is made to file with a regulatory agency an application for a permit necessary to begin or continue towards completion of a project.
3. Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located.
4. Fiscal security is posted with Burnet County to ensure the performance of an obligation required by Burnet County.
5. Utility connection fees or impact fees have been paid to a regulatory agency.

C. Application for Establishment of Chapter 245 Rights

The provisions of this section shall apply to any application for a subdivision permit or project for which an applicant desires to establish rights under Chapter 245 of the Texas Local Government Code.

A subdivision application shall be submitted to the County, and shall be initially reviewed for completeness to ensure that all required items are available for technical review purposes. The application shall state the proposed date of applicable rules for the first in the series of permits, and the applicant shall supply documentation in support of the request. The following items may be considered as part of the application documentation:

- (a) Proof that a good-faith attempt was previously made to file with a regulatory agency an application for a permit necessary to begin or continue towards completion of the project;
- (b) Documentation of costs that have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;

- (c) Documentation of fiscal security posted with a regulatory agency to ensure performance of an obligation required by the regulatory agency; or
 - (d) Documentation of utility connection fees or impact fees for the project paid to a regulatory agency.
- D. If no portion of the land subdivided under a plat approved under these regulations is sold or transferred before January 1 of the 51st year after the year in which the plat was approved, the approval of the plat expires, and the owner must resubmit a plat of the subdivision for approval. A plat resubmitted for approval under this subsection is subject to the requirements prescribed by these regulations at the time the plat is resubmitted

Any application not deemed complete by the County shall be rejected, and the applicant shall be notified in writing of the missing or incomplete items within 10 working days of the initial application. An incomplete application shall expire if the missing or incomplete items are not provided by the applicant within 45 days of the date of initial submission of the application.

The County shall not accept an application or establish rights under Chapter 245 of the Texas Local Government Code where the application does not clearly specify land uses, densities or intensities.

Each application shall be reviewed by the Development Services Director or their designee in consultation with the County Attorney. Where the documentation submitted by the applicant is adequate to confirm a determination that rights exist under Chapter 245, then the regulations in place at the time such rights vested shall be applied in the further review of the project.

The Development Services Director or their designee shall either confirm or deny the application within 45 days of the date of the initial submission of the application.

The applicant may appeal a final determination by the Development Services director or their designee under this section to the County Commissioner's Court within 30 days of the rejection of the application decision of the Development Services Director or their designee.

The Commissioner's Court may enter into a consent agreement with the applicant that is intended to resolve a good-faith dispute concerning development rights and applicable regulations in order to avoid the cost and uncertainty of litigation to both parties.

The provisions of this section shall only apply to the specified land uses, densities and intensities set forth in the Fair Notice documentation provided by the applicant. Any modification of the land uses, densities or intensities shall be considered a new project subject to current County regulations.

ARTICLE 2. General Subdivision Requirements

A. General Requirements. Any Owner who subdivides a tract of land shall:

1. Comply in all respects with these regulations; and
2. Prepare and submit to the Commissioners Court an application for approval of the proposed Subdivision in accordance with the terms and procedures set forth in these regulations.

B. Filing Deadlines and Hearings. A completed Preliminary Plat and application, with two copies, must be on file in the Development Services Office and all fees paid thirty (30) days prior to Preliminary Plat Hearing. Upon receipt of a completed application and plat, the hearing on the Final Plat shall be 14 days after the Preliminary Plat Hearing but in no event shall it be over 60 days from the filing of the completed application.

- C. **Subdivision Approval Process.** No subdivision shall be permitted until the Owner has satisfied each of the following steps in the order indicated:
1. Filing of the Preliminary Plat and Application and any applicable fees as required herein.
 2. Approval of Preliminary Plat by Commissioners Court.
 3. Approval of Final Plat by Commissioners Court.
 4. Filing of Final Plat of record with the County Clerk, to be recorded in the Official Public Records of the County.
- D. **Transmittal Materials.** All submissions to the Commissioners Court pursuant to these regulations, including amendments or supplemental materials, shall be filed with the Development Services Office, including the official application form to be provided by the County.
- E. **Application Materials.**
1. **Preliminary Plat.** Each application for Preliminary Plat shall be filed as herein directed and include the following:
 - a. Three 18" x 24" black line copies of the Preliminary Plat;
 - b. the application fee;
 - c. A tax certificate showing all taxes currently due with respect to the Original Tract have been paid;
 - d. A completed application in the current form promulgated by the County;
 - e. All other documents or reports required pursuant to these regulations and any associated bonds.
 - f. Any requests for variances to these regulations shall be made in writing and submitted with the application. The request shall state all reasons for such request for a variance.
 2. **Recorded Plat.** Upon approval by the Burnet County Commissioner's Court, three 18" x 24" black line copies of the Final Plat along with an original, current tax certificate shall be presented to the County Clerk for recording as the Record Plat. All writing and drawings on the Record Plat must be large enough to be easily legible. An electronic copy of the plat shall be submitted to the 911 coordinator. The electronic copy of the plat shall be drawn at Texas Central State Plain Grid NAD 83' and scaled to surface values based on the origination x,y,z=0,0,0. The scale factor used shall be clearly marked on the face of the plat. An electronic copy of the plat shall be presented to Burnet County at Texas Central State Plane Grid and at surface values. All rights-of-way and easements shall be based on surface values.
- G. **Application Review Periods.**
1. If a person submits a plat application to the Development Services Office that does not include all of the documentation or other information required herein, the Development Services Department shall, not later than the 10th business day after the date the Commissioners Court receives the application, notify the applicant of the missing documentation.
 2. An application is considered complete when all documentation or other information required herein is received.

3. The Commissioners Court shall take final action on a plat application, including the resolution of all appeals, not later than the 60th day after the date a completed plat application is received by the Commissioners Court.
 4. The 60 day time period for approval may be extended as follows:
 - a. for a reasonable period, if agreed to in writing by the applicant and approved by the commissioners court or the court's designee;
 - b. may be extended 60 additional days if Chapter 2007, Government Code, requires the county to perform a takings impact assessment in connection with a plat application; and
 - c. applies only to a decision wholly within the control of the commissioner's court or the court's designee.
 5. The Commissioner's Court may refuse to approve a plat for recordation based on the provisions in the Texas Local Government Code Section 232.0033. If the Commissioners Court or the Development Services Department disapproves a plat application, the applicant shall be given a complete list of the reasons for the disapproval by certified return receipt mail.
- H. **Fee.** The County may impose an application fee and inspection fee as set forth in Appendix C to cover the cost of the County's processing of the application and inspection of street, road, and drainage improvements described by the plat. The fee may vary based on the number of proposed lots in the subdivision, the acreage described by the plat, the type or extent of proposed street and drainage improvements, or any other reasonable criteria as determined by the County Commissioners Court. The owner of the tract to be subdivided must pay the fee at the time of the submission of an application before the County conducts a review of the plat. The application shall be deemed incomplete if the fee is not paid at the time of submittal.
- I. **Subdivisions within the ETJ of a Municipality.** The Plat must indicate whether the land covered by the plat or replat is in the extraterritorial jurisdiction of a municipality. If so, it must be approved by the appropriate municipal authorities prior to being filed as determined by any written agreement entered into by the County and municipality under Section 242.001 of the Local Government Code if the agreement authorizes the municipality to regulate subdivision plats and approve related permits in the municipality's extraterritorial jurisdiction. The County Clerk shall require written proof of exemption from a municipality to be filed with the Record Plat. In the event the land is subject to both municipal subdivision regulations and these regulations, then the stricter standard shall apply and may be enforced by either the city or the County or both.
- J. **Wastewater and Development Permits.** The County shall not issue an On-Site Sewage Facility or development permit, if any, on any parcel of land unless that property is in compliance with all the requirements of these Regulations and the Burnet County Rules of On-Site Sewage Facilities.
- K. **Privately Maintained Roads/Streets.** If a street or road in a subdivision is to be privately maintained the following criteria must be satisfied.
 - (a) The roads must be constructed to the same standards as required for County roads.
 - (b) The following note shall be conspicuously displayed on the plat:
"By filing this Plat [Owner], and all future owners of property within this subdivision, by purchasing such property acknowledge and agree that the County shall have no obligation whatsoever to repair or accept maintenance of the roads in this subdivision."
 - (c) Restrictive covenants establishing a homeowners association, whose purpose shall be, but not limited to, the maintenance and repair of roads in the subdivision shall be filed in the Official Public Records of Burnet County concurrently with the recording of the Plat.

Preliminary Plat.

- A. **Shall submit a preliminary plat to Commissioners Court.** To secure the review and approval of a proposed subdivision by the Commissioners Court, the subdivider shall submit a preliminary plat and a completed subdivision application, as promulgated on the form on file with the County, to the court prior to making any street and road improvements or installation of utilities within any roadway. A copy of the Preliminary Plat shall be filed (but not recorded) with the Development Services office thirty (30) days prior to the hearing to consider preliminary plat. On approval of said preliminary plat the subdivider may proceed with the preparation of a final plat and such other plans and documents required by this Regulation.
- B. The plat shall be prepared by a licensed engineer or licensed land surveyor, registered to practice in the State of Texas, in accordance with these regulations and should depict the entire layout showing layouts of street blocks and drainage for subdivision. Where the proposed subdivision constitutes a unit of a larger tract owned by the subdivider which is intended to be subsequently subdivided as additional units of the same subdivision, the subdivision plat should be accompanied by a layout of the entire area showing the tentative layout of streets, blocks, drainage for such use. The overall layout, if approved by the Commissioners Court, shall be attached to and filed with a copy of the approved subdivision plat in the permanent files of Burnet County.
- C. The preliminary plat shall provide the following information:
- (1) Legal description. The legal description of the land to be subdivided shall be sufficient for the requirements of title examination, including the current deed.
 - (2) Statement of conformance or list of variances. The statement of conformance shall declare that the preliminary plat (including its supporting information) conforms to these Rules (including the associated Appendices) or shall list the instances in which it does not comply with these Rules, the reason for each such non-compliance, and whether a variance is requested.
 - (3) Location Map. A location map or sketch at a scale of not more than four thousand (4,000) feet to one (1) inch shall show the proposed subdivision, existing adjacent subdivisions, school district lines, and roads in the vicinity.
 - (4) Vicinity Map. A vicinity sketch or map at approximately one (1) inch = four hundred (400) feet scale shall show existing subdivisions, streets, easements, right-of-way, parks and public facilities, tracts of acreage in the vicinity, the general drainage plan and ultimate destination of water, and possible storm sewer, water, gas, electric, and sanitary sewer connections by arrows.
 - (5) Location with respect to any municipal ETJ line. A statement indicating whether any part of the proposed subdivision lies within any extraterritorial jurisdiction of a municipality (under Texas Local Govt. Code §§ 42.021 or 212.001) shall be provided. If an ETJ line traverses the subdivision, it shall be delineated and identified upon the preliminary plat.
 - (6) Map of earlier plat. If the subdivision is part of a previously filed subdivision plat, a map shall be provided showing the portion of the earlier-filed plat that is owned by the applicant and included in the preliminary plat.
 - (7) Restrictive covenant. Any restrictive covenants proposed to be imposed for the subdivision should be attached for reference. It should be noted whether these are existing or

proposed and if proposed, at what time they will be recorded, prior to or concurrently with the recording of the final plat.

(8) Certification by the owner of conformance or submittal for review. The proposed preliminary plat shall satisfy the requirements of the rules of the U.S. Fish and Wildlife Service, Texas Parks and Wildlife, the Environmental Protection Agency, the United States Army Corps of Engineers, Lower Colorado River Authority, Texas Commission on Environmental Quality, municipal utility districts, 911 addressing, school district, the gas, electricity, water, telephone, and television cable companies, irrigation, ground water, or water control and improvement districts, U.S. Post Office and any other political subdivision whose approval will be required before construction can begin; or that the agencies mentioned in the preceding paragraph were given at least ten (10) working days to review the proposed preliminary plat. This certification shall be in letter form and shall include the name, title, address, and telephone number of the person to whom the applicant delivered the preliminary plat for review.

(9) The preliminary plat shall include the name, address, and telephone number of the record owner(s) of lands being subdivided, and of the engineer, the surveyor, and any other persons responsible for the preparation of the data and information being submitted.

(10) The preliminary plat shall include the subdivision name, which shall not duplicate the spelling or the pronunciation of any existing subdivision in the County.

(11) The preliminary plat shall delineate and define the boundary of the subdivision by metes and bounds sufficiently for the requirements of title examination. Subdivision boundaries shall be indicated by a heavy line at least one sixteenth (1/16) inch wide. The total acreage in the subdivision shall be noted.

(12) The preliminary plat shall locate the subdivision with respect to an original corner of an original survey of which it is a part.

(13) The preliminary plat shall show the primary control points or description used to establish the subdivision. The description, location, and tie to such control points, including all dimensions, angles, bearings, block numbers, and summary data, shall be noted.

(14) The preliminary plat shall note the existing conditions within or immediately adjacent to the subdivision, including the location, dimension, name, and description of each existing or recorded street; alley, reservation, easement, or other public rights-of-way or visible private encumbrance upon the land within or adjacent to the subdivision, intersecting or contiguous with its boundaries, or forming such boundaries (include the name of the subdivisions in which a street, alley, etc. is located); location, dimension, description, and flow line of any existing watercourses, drainage structures, or irrigation structures within the subdivision or within one hundred and fifty feet (150 feet) of the boundary of the subdivision; location, dimension, description, and name of all existing or recorded lots and blocks, parks, public areas, or permanent structures within the subdivision or contiguous with the subdivision; and, location, dimension, description, and name of all existing water, sewer, electric, gas, telephone, television cable, irrigation or other utilities.

(15) The preliminary plat shall show the adjoining property owners' names and references to the deeds under which they hold ownership, or if the adjoining property is within a recorded subdivision, state the subdivision's name and provide the reference for where its plat is recorded in the Official Public Records of Burnet County.

(16) The preliminary plat shall note the date of preparation, date of survey, the scale of the plat, and North arrow.

(17) The preliminary plat shall include topographic information, including contour lines for every ten vertical foot. The information shall include the flow lines of existing gutters and drainage ways.

It shall be sufficiently detailed to determine the existing drainage to and from the proposed subdivision and to determine the adequacy of the proposed drainage plan. Elevations shall be based on published U.S.C. & G. S. datum and the benchmark used shall be noted on the plat.

(18) The preliminary plat shall provide a general plan for storm water drainage to efficiently manage the flow of storm water in the subdivision and coordinate the subdivision drainage with the general storm drainage pattern for the area. Post development runoff shall not exceed pre-development runoff based on a 100 year event.

(19) The preliminary plat shall show the approximate location, dimensions, and description of all proposed street rights-of-way, alleys, drainage structures, parks, squares, other public areas, reservations, easements, other rights-of-way, blocks, lots (lettered or numbered consecutively), permanent survey monuments, and other sites within the subdivision. The proposed width of each proposed street shall be measured at right angles, or radially where curved.

(20) The preliminary plat shall show the name of the proposed subdivision or any of the physical features (such as streets, parks, etc.). The name of a proposed street shall conform to the name of an existing street of which it may become an extension but otherwise shall not duplicate or conflict with the recognized name of any other street located in the area subject to these Rules. Street and subdivision names will be coordinated through the 911 coordinator to ensure no duplication of street names. This coordination with 911 is the responsibility of the developer. The street names must not be so similar in spelling or in pronunciation to the names of any similar features in Burnet County or in any incorporated city therein, as to cause confusion.

(21) The preliminary plat shall show building setback lines (front, side, and rear).

(22) The preliminary plat shall show the net area contained within each lot or tract to the nearest one tenth (1/10) of an acre.

(23) The preliminary plat shall show the limits of any flood hazard areas as indicated by the respective Burnet County Flood Insurance Rate Map(s) and the proposed finished floor elevation of any building within these flood hazard limits.

THE FOLLOWING APPLY TO PROPOSED SUBDIVISIONS UTILIZING CENTRALIZED WATER AND/OR WASTEWATER:

(24) The preliminary plat shall include or have attached a document containing a description in English of the water and sewer facilities and roadways and easements dedicated for the provision of water and sewer facilities that will be constructed or installed to service the subdivision and a statement specifying the date by which the facilities will be fully operational.

(25) The preliminary plat shall have attached a document prepared by an engineer registered to practice in the State of Texas certifying that the water and sewer facilities proposed are in compliance with the model rules adopted under Section 16.343, Water Code, and a certified estimate of the cost to install water and sewer service facilities.

(26) The preliminary plat shall have attached a certified letter from a water utility provider that water is available to the proposed subdivision sufficient in quality and quantity to meet the minimum state standards required by Section 16.343, Water Code, and that water of that quality and quantity will be made available to the point of delivery to all lots in the subdivision.

(27) The preliminary plat shall have attached a certified letter from a sewer utility provider that sewage treatment facilities meet minimum state standards to fulfill the wastewater requirements of the subdivision or furnish certification by the Burnet County Environmental Services Department indicating that the lots in the subdivision can be adequately and legally served by septic systems as provided under Chapter 366, Health and Safety Code.

(28) The preliminary plat shall have attached a design for roads that meet or exceed the minimum standards as adopted by the county and contained herein and provide adequate drainage meeting standard engineering practices.

(29) The preliminary plat shall have attached certification that electrical connections and gas connections, if available, will meet minimum state standards.

E. **Designation of subdivision as public or private.** The plat shall show the designation of the proposed subdivision improvements as public or private.

H. **Flood Plain and Drainage Information.**

1. Each preliminary plat shall include base flood elevation data.
2. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
3. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
4. All subdivision plats shall have the flood hazard area as indicated on the respective flood insurance rate map(s) clearly delineated on the plat and where appropriate, each lot shall be shaped and sized so as to provide adequate building space.
5. The developer, builder, seller or agent shall inform in writing, each prospective buyer of subdivision lots located in flood hazard areas that such property is in an identified flood hazard area and that a Development Permit will be required before a structure can be placed on the property.

I. **Water, Wastewater and Utilities Information.** The following information must be provided to the Court.

1. Designation of the entity supplying electric, phone and gas utilities or a statement that such utilities are not available.
2. The location of all proposed utility easements and/or infrastructure, including water well sanitary easements, if applicable.
3. Designation of the water and sewer utility provider and the source of the water intended to serve each Lot within the subdivided area or, if the source of water is underground well(s), compliance with the Central Texas Groundwater Conservation District regulations.
4. Certification that all Lots have been designed in compliance with the Rules of Burnet County for On-Site Sewage Facilities.

J. **Proof of Ownership.** The Developer shall provide proof of ownership.

K. **County Liability.** The Preliminary and the Final Plat shall contain the following two provisions: "The County shall not be responsible for the quantity or quality of a reliable water source"; and for plats which propose private roads, the plat shall state the following: "The County shall not accept all or a portion of the roads in this subdivision for maintenance."

12. **Final and Record Plat.** Upon approval of the Preliminary Plat, the Subdivider shall revise the plat in accordance with the requirements and recommendations of the Commissioners Court and shall cause to be prepared a Final Plat of the proposed subdivision for consideration pursuant to these regulations. The hearing for final plat approval shall be at least fourteen (14) days after Preliminary Plat hearing.
13. **Approval by Commissioners Court if the above has been adhered plus:**
 1. All roads must meet County specifications and standards in the regulations under design standards.
 2. Drainage appurtenances have been inspected by the precinct commissioner or their designee for compliance to the drainage plans provided by the developer.
 - a. Bonding for the proper construction of all roads, streets, drainage and infrastructure (to include water and/or wastewater) requirements. Bond amount to be determined by a licensed professional engineers statement of cost and is not to exceed the estimated cost of constructing roads, streets, drainage and infrastructure requirements.
 3. Lot and block monumentation to be set by a registered professional surveyor before recordation of the plat.
- A. **Requirements.** The County Commissioners Court may approve a public subdivision when the following requirements are present:
 1. A plat as required herein is presented for approval.
 2. A plan and time frame for the development of the streets and roads is presented for approval setting forth:
 - a. Design standards for streets and roads;
 - b. Designs for drainage and a complete comprehensive drainage study pursuant to 30 TAC 285.4(c);
 - c. Widths of streets, roads and right-of-way;
 - d. Surface treatment of streets and roads.
 3. The plan must be prepared by a registered engineer or surveyor.

Revision of Subdivision Plats (REPLATS)

- A. **Requirements:**
 1. Letter of application to Commissioner's Court requesting the revision.
 2. Notice to be published by the applicant as herein specified.
 3. Cost of publication to be paid by applicant.
 4. Letter from the applicant stating the revision is not in violation of existing deed restrictions to Commissioners Court.
 5. Letter from Property Owners Association President stating they have no objection to the revision or replat.
 6. If no Property Owners Association, a notice to each lot owner at his address on said tract by certified mail or regular mail, return receipt requested, and presented to the Commissioner's Court at the time of presentation of application.
 7. Persons replatting property within the service area of a water or sewer utility provider shall have the written consent of the provider.

- B. **Application.** A person who owns subdivided land that is subject to this order may apply in writing to the Commissioners Court of the county for permission to revise the subdivision plat that has been filed for record with the County Clerk.
- C. **Notice.**
1. After the application is filed with the Commissioners Court, the Court shall require a notice by the applicant to be printed in a newspaper of general circulation in the county. The notice must include a statement of the time and place at which the Commissioners Court will meet to consider the application and to hear protests to the revision of the subdivision plat.
 2. The notice must be published at least three times within the period beginning on the 30th day and ending on the 7th day before the date of the meeting. All cost of publication shall be paid by the applicant.
 3. If all or part of the subdivided tract has been sold to non-developer owners, notice shall also be given to each owner, at his address on said tract, by certified mail or registered mail; return receipt requested.
- D. **Hearing.** The Commissioners Court, during a regular meeting of the court, shall adopt an order permitting the person to revise the subdivision plat if it is shown to the court:
1. That the revision will not interfere with the established rights of any owner of a part of the subdivided land;
 2. If the revision interferes with the rights of an owner of a part of the subdivided land, the owner has agreed to the revision;
 3. That the revision is not a violation of any existing deed restriction(s); or
 4. That the applicant has complied with Section 232.009, Texas Local Government Code.
- E. **Filing.** If the Commissioners Court permits a person to revise a subdivision plat, the person shall make the revision by filing for record with the County Clerk a revised plat or part of a plat showing the changes made to the original plat.

CANCELLATION OF SUBDIVISIONS

An application may be submitted to the County to request the cancellation of a subdivision and shall be processed according to the provisions stated below. All fees must be paid and accompany the application.

DIVISION 1. ALL PLATTED SUBDIVISIONS

A. A person owning real property that has been subdivided in this County into lots and blocks or into small subdivisions may apply to the County Commissioners Court for permission to cancel all or part of the subdivision, including a dedicated easement or roadway, to reestablish the property as acreage tracts as it existed before the subdivision. If, on the application, it is shown that the cancellation of all or part of the subdivision does not interfere with the established rights of any purchaser who owns any part of the subdivision, or it is shown that the purchaser agrees to the cancellation, the County Commissioners Court by order shall authorize the Owner of the subdivision to file an instrument canceling the subdivision in whole or in part. The instrument must describe the subdivision or the part of it that is cancelled. The County Commissioners Court shall enter the Order in its Minutes. After the cancellation instrument is filed and recorded in the Official Public Records of the County, the Burnet County Chief Appraiser shall assess the property as if it had never been subdivided.

B. The County Commissioners Court shall publish notice of an application for cancellation. The notice must be published in a newspaper, published in the English language, in the County for at least three weeks before the date on which action is taken on the application. The County Commissioners Court shall take action on an application at a regular term. The published notice must direct any person who is interested in the property and who wishes to protest the proposed cancellation to appear at the time specified in the notice.

C. If delinquent taxes are owed on the subdivided tract for any preceding year, and if the application to cancel the subdivision is granted as provided by this Division, the Owner of the tract may pay the delinquent taxes on an acreage basis as if the tract had not been subdivided. For the purpose of assessing the tract for a preceding year, the Burnet County Chief Appraiser shall back assess the tract on an acreage basis.

D. On application for cancellation of a subdivision or any phase or identifiable part of a subdivision, including a dedicated easement or roadway, by the owners of seventy-five (75) percent of the property included in the subdivision, phase, or identifiable part, the County Commissioners Court by Order shall authorize the cancellation in the manner and after notice as provided for herein. However, if the Owners of at least ten (10) percent of the property affected by the proposed cancellation file written objections to the cancellation with the County Commissioners Court, the grant of an order of cancellation is at the discretion of the County Commissioners Court.

E. To maintain an action to enjoin the cancellation or closing of a roadway or easement in a subdivision, a person must own a lot or part of the subdivision that:

- (1) abuts directly on the part of the roadway or easement to be canceled or closed; or
- (2) is connected by the part of the roadway or easement to be canceled or closed, by the most direct feasible route, to (1) the nearest remaining public highway, county road, or access road to the public highway or county road; or (2) any un-canceled common amenity of the subdivision.

F. A person who appears before the County Commissioners Court to protest the cancellation of all or part of a subdivision may maintain an action for damages against the person applying for the cancellation and may recover as damages an amount not to exceed the amount of the person's original purchase price for property in the canceled subdivision or part of the subdivision. The person must bring the action within one year after the date of the entry of the County Commissioners Court Order granting the cancellation.

G. The County Commissioners Court may deny a cancellation under this section if the County Commissioners Court determines the cancellation will prevent the proposed interconnection of infrastructure to pending or existing development.

ARTICLE 3. Design Standards and Requirements

A. General Design Principles and Objectives

1. **Conformity with the General Plan.** All subdivisions shall conform to a general plan for orderly and unified development of streets, utilities within roadways and public land facilities, as well as other provisions of this and other present regulations and codes.

2. Standards for Site Improvements. All roads and streets, alleys, utility installations and other site improvements required to be installed by the subdivider under the provisions of these regulations shall conform to the requirements of this Section and to the then current policies, specifications, and regulations of Burnet County, or other approved agencies responsible for design, construction methods and standards, payment, refunds, credits, and other financial arrangements.

B. Construction and Specifications of Roads and Drainage.

1. General. The specifications for construction of roads and streets are based on the requirement that a flexible base with an asphalt pavement will be constructed. The materials, design, specification and procedure shall conform to those of the County for similar construction. This also applies if a concrete pavement is used instead of the flexible base with asphalt pavement. Base material used for roads or streets shall conform to the requirements of Burnet County or the following: argillaceous limestone, calcareous, or calcareous clay particles, with or without stone, conglomerate, gravel, sand or other granular materials obtained from sources approved by the Commissioners Court. The base material shall conform to Texas Department of Transportation Standard (TxDot) for base material reference item 247, type D, grade 4, or as approved by the precinct commissioner.

2. Base Material. The base material shall meet the following minimum requirements and must be inspected and approved, in writing, by the Precinct Commissioner concerned or other person designated by the Commissioners Court:

- a. A maximum of zero percent (0%) retained on an inch and a quarter (1 1/4") screen.
- b. Between eight percent (8%) and thirty percent (30%) retained on a seven-eighths (7/8") screen. Between thirty percent (30%) and sixty percent (60%) on a three-eighths (3/8") screen. Between forty-five percent (45%) and seventy percent (70%) on a #4 mesh sieve and between seventy percent (70%) and eighty-five percent (85%) on a #40 mesh sieve.
- c. A plasticity index not to exceed twelve (12).
- d. Liquid limit not to exceed 30.

3. Subgrade and Base The preparation of the subgrade shall follow good engineering practices. The subgrade may be prepared and allowed to reach a Proctor Density of ninety percent (90%) through natural cycles of consolidation or may be rolled and watered where placement of the base material is to be done immediately. Testing shall be done at five hundred foot (500') intervals or as required by the respective precinct commissioner, with a minimum of two (2) tests, or wherever there is a change in the subgrade material. The subgrade must be inspected and approved by the Precinct Commissioner concerned or other person designated by the Commissioners Court, in writing, prior to any application of base. The grade base material must be evenly applied to a maximum depth of 8 inches uncompacted. A Proctor Density of ninety-five percent (95%) shall be derived using standard construction procedures with testing done at fifteen hundred foot (1500') intervals, with a minimum of two (2) tests. Proctor Density test results must be presented to the Precinct Commissioner concerned or other designated person, and all preparatory work must be inspected and approved, in writing by the Precinct Commissioner or other designated person before any topping may be done. Base must be to state specifications (ie. TxDot item 247, grade 4, type D) or as approved by the precinct commissioner.

4. Width of Right-of-Ways.

- a. Streets or roads within such subdivision shall have a width of not less than 50 feet nor more than 100 feet. These widths shall be derived from schedule 2 (Road Standards) of these regulations.

b. The shoulder-to-shoulder width on collectors or on main arteries within the right-of-way shall not be less than 32 feet nor more than 56 feet. Any street or road utilizing sheet flow drainage shall have a shoulder to shoulder width extending 4 feet beyond the edge of the pavement or ribbon curb on either side:

c. The shoulder-to-shoulder width on all other streets or roads within such subdivision within the right-of-way shall not be less than 25 feet nor more than 35 feet.

d. Width of alleys shall not be less than twenty (20) feet.

5. Width of County Road. A proposed subdivision that enjoins or encompasses an existing or proposed public street, that does not conform to minimum right-of-way requirements of these regulations, shall provide for the dedication of additional right-of-way along the side of said street from the center of the existing public road to establish at least one-half of the required right of way so that the minimum right-of-way required by these regulations can be established, being defined herein as fifty (50') feet.

6. Drainage, Minimum Grades, Retards, Headwalls, etc.

a. All drainage requirements must comply with the Lower Colorado River Authority's Upper Highland Lakes Watershed Order where applicable. Generally it is desired that surface drainage from private property to be taken to roads and streets, or drainage courses as quickly as possible, but the practice of using roads and streets as major drainage courses is prohibited. Minimum grades of roads and streets shall be three-tenths of one percent. All drains, drainage structures and appurtenances shall be designed by a registered professional engineer. Drainage calculations shall be made using the Rational Method (HEQ-HMS and HEQ-RAS are acceptable for larger acreages) for determining storm water runoff and Manning's Equation for ditch and pipe capacities. All data and calculations shall be presented with the preliminary plat.

b. All roads and streets shall try to accommodate drainage using sheet flow. Where this is not possible, roads and streets shall have ditches which are a minimum depth of 12" below the shoulder of the subgrade. Greater depths shall be provided as required to accommodate greater flows. Concrete or rock retards shall be installed in ditch lines in areas where needed. Drainage structures of a permanent type shall be provided at crossings of drainage courses with roads and streets where needed in order that a minimum of inconvenience and hazard to the traveling public will occur, and in order to maximize drainage to and excessive maintenance of public property. Such drainage structures shall have a minimum of 40 feet clear roadway. Type, size, and length of drainage conforms to standard engineering practices.

c. All roadways crossing streams or roadways subject to flooding must be rip-rapped and/or have concrete headwalls on both sides.

d. Open channels and ditches shall be constructed to proper cross section, grade and alignment so as to function properly and without permitting destructive velocities. Grades exceeding six percent (6%) may, as determined by the respective precinct commissioner, require concrete chutes and/or flow restrictive devices.

7. Surface Treatment.

a. Where road or street sections without curbs are constructed, the flexible base shall comply with schedule 2 of these regulations. The pavement shall be at least twenty (20') feet wide of a "double asphalt or emulsion surface treatment" or of a minimum of one and one-half (1 ½") inch of "plant mix" compacted with a seal coating asphalt treatment under the "plant mix".

b. The "double asphalt or emulsion surface treatment" or two course surface treatments shall conform to the following:

1. Prime coat shall be MC-30 or its equivalent with "plant mix" hot mix.

2. A two-course "squirt-top" consisting of #4 grade cover stone-treated with a thirty-five hundredths (.35) gallons per square yard of hot asphalt. The second course to be of a #5 grade cover stone treated with twenty-eight hundredths (.28) gallons per square yard hot asphalt of AC-5 type in both cases, or variances as approved by the Precinct Commissioner.

3. Rolling is required to achieve a uniform embedment and the contractor shall broom off loose aggregate remaining. If bleeding occurs, the contractor shall apply sand (ag lime) or #5 grade topping rock to the finished surface for whatever period is required to absorb the excess asphalt.

4. Concrete pavement shall have a minimum thickness of 6" and a minimum compressive strength of 3000 psi (pounds per square inch) at 28 days. Design plans for concrete paving must be submitted by a registered professional engineer and reviewed by the county and approval given in writing before construction may begin.

8. Requirements for Roads and Streets.

a. All dead-end streets or interior cul-de-sacs shall be provided with a properly crowned and sloped asphalt paved turnaround at the end thereof, with a diameter of not less than one hundred twenty-five (125) feet of right of way. Diameter of paving shall be sixty-two and one half (62.5) feet centered in right-of-way. Hammerhead type turnarounds will be considered on an as required basis and shall be considered as a variance.

b. In a subdivision where water lines or other utilities are installed on rights-of-way, they shall be located off and away from the roadways (paved center portion and shoulders) and buried to a minimum depth of 30" and within three feet of property line.

c. The installation of any water or utility lines, side roads, culverts, curb cuts, driveways, etc. on county right of way shall be prohibited unless expressly permitted in writing by the county commissioner.

d. Subdivisions which may have adjoining privately owned properties that shall be subject to future subdividing may provide fifty (50) feet rights-of-way not more than one-half ($\frac{1}{2}$) mile apart at feasible locations for connecting future possible roadways with such adjacent properties. Unnatural drainage created by such connecting roadways and rights-of-ways shall be resolved beforehand by the land owners concerned through drainage easements or other lawful methods.

e. Uniform traffic control signs, guard rails and other safety features, as recommended by the Developer's engineering firm or the Precinct Commissioner or his designee, should be installed at required locations on all subdivision rights-of-way dedicated for public use at the Developer's expense. Culverts and bridges shall be at least as wide as the roadway portions (pavement and shoulder) of the streets and roads. Bridge abutments or other drop-offs located at the edge of the shoulder portions of any road or street should be indicated by installation of protective posts or other devices equipped with reflectorized markers.

f. Rights-of-way dedicated to public use shall be kept clear of tall weeds and brush so that property lines, drainage ditches and other hazardous conditions shall be readily distinguishable. Large trees which lend natural beautification to an area may be left in place and a right-of-way provided so that safety on the streets and roads is not impaired.

g. Streets and roads must provide unhampered circulation through the subdivision. Where dead-end streets are designed to be so permanently, a turn-around shall be provided at the closed end having an outside finished paved roadway diameter of sixty-two and one half (62.5) feet and a street right-of-way diameter of one hundred twenty-five (125) feet. Dead-end streets may be platted where the Commissioner concerned deems it desirable and where the land adjoins property not subdivided, in which case, the street shall be carried to the boundaries thereof.

h. All roads and streets should intersect at a ninety (90) degree angle or within the designated limits of Schedule 2 (Road Standards) of this order.

i. Where roads and streets in an adjoining subdivision dead-end at the property line of a new subdivision, the said roads and streets shall be continued through the new subdivision, either in a straight line or a curve as provided elsewhere herein. Where no adjacent connections are platted, the roads and streets in the new subdivision must in general be the reasonable projections of roads and streets in the adjacent subdivided-tract. All roads and streets in new subdivisions should be platted so that a continuation of said roads and streets may be made in other subdivision in the future.

C. Lots and acreage tracts in a Subdivision pursuant to Chapter 285, Texas Administrative Code, relating to On-site Sewage Systems. (Proposed developments situated wholly or partially within the Lower Colorado River Authority (LCRA) Water Quality Zone should refer to the LCRA On-site Sewage Facility requirements for lot sizing.)

1. General Layout. Flag lots are generally prohibited. All lots require 50' of road or street frontage. The size, width, shape and orientation of lots shall be appropriate for the area of the county in which the subdivision is located, and for the type of development and use contemplated, and must insure compliance with Section 285.4 of the Standards for On-Site Sewerage Facilities promulgated by the TCEQ under authority of the Texas Sanitation and Health Protection Law, Texas Revised Civil Statutes, Article 4477-1; portions of which are set out and adopted herein:

2. Residential Lot Sizing.

a. General considerations. The failure of an on-site sewerage system may be caused by a large number of circumstances, including inadequate soil percolation, improper construction, design, installation, and misuse. The single most important factor concerning public health problems resulting from these failures is the residential dwelling density which is primarily a function of lot size. The failure of a system in a highly populated area is the fundamental cause of public health hazards resulting from on-site sewage disposal. Surfacing sewage provides a medium for the transmission of disease and the fact that many people are in the vicinity causes concern over the spreading of disease. Sewerage systems using soil absorption for effluent disposal are more likely to malfunction in high population density situations because the soil available to absorb or evaporate the effluent is limited. The failure of an absorption system on a small lot can be financially disastrous to the owner because the lot may not contain sufficient room to construct a new absorption field in a new location.

b. Platted subdivisions served by a public water supply. Subdivisions of a single family dwellings platted or created after January 1, 1988, and served by a public water supply but utilizing individual OSSF methods for sewage disposal, shall provide for individual lots having surface areas of at least one-half acre, or shall have a site-specific sewage disposal plan submitted by a registered professional engineer or Registered Professional Sanitarian and approved by the Permitting Authority or its designee. In no instance, shall the area available for such system be less than two times the design area. The location of an OSSF under this paragraph shall be in accordance with TAC 285.91 (10) of the TCEQ Regulations.

c. Platted subdivisions served by individual water systems. In subdivisions platted or created after January 1, 1988, for single family residences where each lot maintains an individual water supply well and an OSSF, the plat shall show the approved well location and a sanitary control easement around the well within a 100-foot radius in which no subsurface sewerage system may be constructed. A watertight sewerage unit or lined evapotranspiration bed with leak detection capability may be placed closer to the water well than 100 feet, provided the minimum separation stated in Table I of the Standards for On-Site Sewerage Facilities of the TCEQ is not violated. To minimize the possibility of the transmission of waterborne diseases due to the pollution of the water supplied for domestic use, each lot in a subdivision shall contain not less than one acre, or shall have site-specific planning materials prepared by a Registered Professional Engineer or a Registered Professional Sanitarian and approved by the Permitting Authority or its designee. In no instance shall the area available for such systems be less than two times the design area.

d. Approval of existing small lots or tracts. Existing small lots or tracts, subdivided prior to January 1, 1988, and not conforming to the minimum lot size requirements, may be approved for an OSSF provided the following conditions are met:

1. Minimum separation distances in TAC 285.91 (relating to Separation/Setback Requirements) of the TCEQ Regulations are maintained.
2. The site has been evaluated by the site evaluator in accordance with TAC 285.30 (relating to Site Evaluations) of the TCEQ Regulations.

D. Burnet County On-Site Sewage Facility Regulations. All subdivisions shall comply with the Burnet County On-Site Sewage Facility Regulations. Subdivisions located wholly or partially within the LCRA on-site sewage facility water quality zone shall comply with the LCRA on-site sewage facility regulations.

E. Manufactured housing communities or multi-use residential developments served by a central sewage collection system for on-site disposal. Manufactured housing communities and multi-use residential developments which are owned or controlled by an individual and which rents or leases space may utilize smaller lots than stated herein above provided a sewage disposal plan addressing replacement area is submitted to the permitting authority and approved. Developments of this type which connect living units to a sewage collection system for on-site disposal must provide planning materials for the system prepared by a registered professional engineer or registered sanitarian. The total anticipated sewage discharge shall not exceed 5,000 gallons per day from the connected homes and the OSSF must conform to the definition of OSSF's in TAC 285.30 of the TCEQ Regulations.

F. Exemptions and variances. Requests for exemptions or variances of any part or parts of these Standards for the design, installation or operation of any on-site sewerage system shall be considered on an individual basis. The burden of proof is the responsibility of the Registered Professional Engineer, Registered Professional Sanitarian or other qualified individual responsible for the design or installation of the system under consideration. This individual must demonstrate to the satisfaction of the TCEQ or licensing authority, that the exemption or variance has been requested because conditions are such that equivalent protection of the public health and environment can be provided by alternate means or construction features. Any such request must be accompanied by sufficient engineering or applicable data to meet the TCEQ or licensing authority's satisfaction. The TCEQ shall, at the request of local authorities, provide evaluation and comment services for any such local authority.

18. Additional Requirements

A. Compliance.

1. **Plans.** Three (3) complete sets of plans, specifications and contracts covering construction of subdivision infrastructure, in the form of plans, or other satisfactorily written descriptions shall be filed with Burnet County Development Services Department upon filing of final plat. When required by the Commissioners Court these plans shall show such features as roadways, 100-year flood plain, cross-sections, and longitudinal slope for drainage, full description of proposed pavement or street improvement, its grade and slope, dimensions and specifications concerning public utilities to be installed showing proposed position on the ground when within street right-of-way, specifications of materials and constructions, and profile maps of all storm sewers showing both ground surface and flow line and any other pertinent information of similar nature.

2. **Inspection of Improvements.** The authorized representative of Burnet County shall from time to time inspect the construction of all utility facilities in street right-of-way in the subdivision during the course of construction to see that the same comply with the plats and standards governing the same. In this regard, free access to the subdivision shall be accorded Burnet County's duly authorized representative by the subdivider, his agents and employees. Failure of the County's representative to inspect will not diminish the obligation of the subdivider to install improvements in the subdivision in accordance with plans and specifications as approved by the Commissioners Court.

3. **As-Built Plans.** After all required improvements have been completed by the owner or subdivider of the subdivision, two sets of "record drawings" of all underground utilities that have been constructed shall be filed with the Burnet County Development Services Department within thirty (30) days after completion of all required improvements.

4. **Street Improvements.** All road and street improvements shall meet the current requirements of the Subdivision Regulations.

5. Water Systems.

a. **General.** All public water supply, treatment, storage and distribution facilities shall be furnished and installed in compliance with the requirements of the TCEQ.

b. **Water Wells and Water Quality.** If a sewage system is to be installed, it must meet the requirements of the TCEQ.

c. **County Liability.** The County shall not be responsible for the quantity or quality of a reliable water source.

d. **Subdivisions utilizing underground water supplies** shall comply with the requirements set forth by Appendix G of this order. Plats will require a signed approval from the Central Texas Groundwater Conservation District before consideration for final platting.

6. **Flood Plain and Drainage.** Pursuant to Chapter 5 of the Texas Property Code, no lot that falls within the federally designated 100-year flood plain shall be sold by the original developer in any subdivision unless it is so noted by agreeing parties.

7. **Changes to Road Names.** Any changes to any subdivision road name shall be in accordance with the Burnet County Street/Road Name and Address Assignment Policy Procedures.

8. Obstacles to Subdividing. The Owner or Owners of any such tract of land shall provide the Commissioners Court with proof that there are no obstacles to subdividing, including but not limited to any prohibitions of transfer of property under any lien document.

Article 4. Other Provisions.

A. Subdivision Completion and Maintenance Bonds

1. Construction Bonds

All construction shall be complete within 2 years after approval of final plat in a timely manner, and in accordance with the terms and specifications contained herein, the developer shall file a Subdivision Completion Bond, executed by a Surety Company authorized to do business in this State, and made payable to the County Judge of Burnet County, Texas or his successors in office.

The bond shall be equal to one hundred percent (100%) of the estimated cost of construction of roads, streets, street signs, water and/or wastewater utilities, required drainage structures and all other construction.

The Subdivision Completion Bond shall be submitted to the Commissioner's Court with the final plat.

The Subdivision Completion bond shall remain in full force and in effect until all the roads, streets, street signs, underground utilities, required drainage structures and all other construction in the subdivision have been completed to the satisfaction of the Precinct Commissioner, and the Construction Bond has been released by a Court order from the Commissioner's Court.

In the event any or all of the streets, roads, drainage and drainage structures, as constructed by the Owner, fail to meet the requirements of the foregoing specifications, and the said Owner fails or refuses to correct the defects called to his attention in writing by the County, the unfinished improvements shall be completed at the cost and expense of obligee as provided.

The Burnet County Treasurer shall hold the bond until the bond is released by written order of the Burnet County Commissioners Court.

2. Maintenance Bond

To insure roads, streets, street signs, underground utilities, required drainage structures and all other construction are maintained to the satisfaction of the precinct Commissioner, a Maintenance Bond executed by a Surety Company authorized to do business in this state, and made payable to the County Judge of Burnet County, Texas or his successors in office, shall be substituted for the Construction Bond at the time of release of said Construction Bond.

The Maintenance Bond shall be equal to fifteen percent (15%) of the estimated cost of all construction based on the cost of construction to minimum county standards. This cost will be derived using an engineer's estimate.

The conditions of the Maintenance bond shall be that the Owner shall guarantee to maintain, to the satisfaction of Burnet County, all of the streets, roads, drainage structures and drainage ditches and channels which have been constructed to specifications with construction security released by Court order from the Commissioners Court, in a good state of repair for a period of two years from the date of official release of construction security.

Periodic inspection of roads, streets, street signs, underground utilities, required drainage structures and all other construction, for which maintenance security is held, will be made by the precinct Commissioner during the period of liability covered by the Maintenance Bond. In the event any or all of the roads, streets, street signs, underground utilities, required drainage structures and all other construction are not being maintained in a good state of repair, the Owner will be so advised in writing and, if after a reasonable time, he fails or refuses to repair said items, they shall be maintained at the cost and expense of obligee as in said orders provided.

The release of any bond shall be by order of the Commissioner Court. To request a release the developer who posted the bond in question shall present a written request to release said bond.

If substantial patching is required during the two-year maintenance period, roads or streets must be resurfaced with a two-course surface treatment.

The Burnet County Treasurer shall hold the maintenance bond until the maintenance bond is released by written order of the Burnet County Commissioners Court.

3. Cash Bonds

Cash bonds may be accepted in lieu of surety bonds. The developer shall enter into a formal written and signed agreement for the performance of construction of the roads, streets, street signs, underground utilities, required drainage structures and all other construction related to the development. This agreement shall be approved by the county attorney. The amount of the cash bond is to be determined by the average of three (3) bona fide bids from competent contractors. The cash bond shall be held in the depository of the county's choice. The precinct commissioner in whose precinct the development is occurring shall have signatory responsibility and responsibility for the disbursement of the bond. Reductions or refunds from the cash bond shall be based on a 20/40/40 percentage completion of development. Upon completion of phases, the developer shall present a letter of completion from the project engineer to the precinct commissioner stating the completed work and upon majority approval of the commissioner's court may be granted a partial release of funds in the above specified amounts. The final forty percent (40%) shall not be released until a maintenance surety bond or a cash bond agreement and deposit for maintenance is received by the county. Final release of cash bonds are subject to majority approval from the commissioner's court. Variance from the specified refund amounts may be available by special consideration and a majority approval from the commissioner's court. The commissioner's court may accept a cash bond for one hundred and fifteen percent (115%) of the amount of construction withholding the extra fifteen percent (15%) in lieu of the maintenance bond for a period of two (2) years from the completion and approval of the subdivision construction. Each cash bond agreement may be unique and will require written approval from the county attorney and a majority approval from the commissioner's court.

4. Final Inspection

The Developer, upon completion of drainage, roads, streets or other facilities intended for the use of the public, or purchasers or owners of lots fronting or adjacent there to, shall request from the County a final inspection. The precinct Commissioner or their designee will inspect, within 10 days, the completed work for compliance. The Developer will be notified in writing, within 10 days of the final inspection, of approval or any work not found in compliance with these Subdivision Regulations.

B. Penalty for Violation.

1. The Commissioners Court of Burnet County will cause an employee of the court, or any other person or persons it so designates, to review periodically deeds or sales contracts being recorded in the County Clerk's office to see that any subdivision affected thereby shall comply with requirements of these regulations and state law.

2. If deeds, contracts of sale, transfers of title, or other transactions do not comply with the plat requirements as set forth in these regulations and state law, the Commissioners Court of Burnet County or its representative can so notify the party selling or transferring title in whole or in part to comply with these regulations.

3. In the event the notified party refuses to comply with said requirements, the Commissioners Court of Burnet County can take appropriate action to obtain compliance.

4. A person commits an offense if the person knowingly or intentionally violates a requirement of these Regulations, including the Road Design and Construction Specifications incorporated into these Regulations and any appendices attached to these regulations, the Burnet County Flood Damage Prevention Order and the Rules of Burnet County for On-Site Sewage Facilities Regulations. Pursuant to Chapter 232.005 of the Texas Local Government Code, an offense under this provision is a Class B misdemeanor punishable by fine or imprisonment or both.

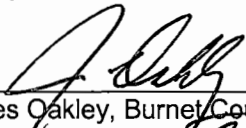
5. At the request of the Commissioners Court, the county attorney may file an action in a court of competent jurisdiction to:

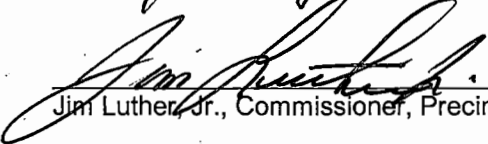
a. Enjoin the violation or threatened violation of a requirement established by or adopted by the Commissioners Court under these Regulations; and/or

b. Recover damages in an amount adequate for the County to undertake any construction or other activity necessary to bring about compliance with a requirement established by or adopted by the Commissioners Court under these Regulations.

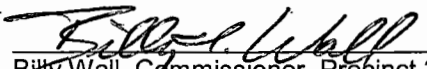
C. Variance. The Commissioners Court may authorize a variance from the Subdivision Regulations when, in its opinion, undue hardship will result from requiring strict compliance. In approving a variance, the Commissioners Court shall prescribe only conditions that it deems necessary or desirable to the public interest. Any person who wishes to receive a variance shall apply to the Court with a list of, and a detailed justification, for each variance requested. The decision of the Burnet County Commissioners Court whether to grant or deny a variance is at its complete discretion, and will be final.

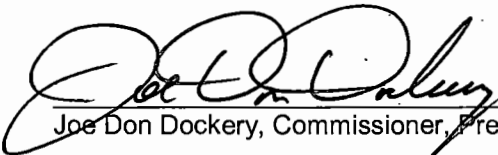
This Order regulating the development of subdivisions within the unincorporated area of Burnet County is hereby adopted this the 12th day of March, 2019.


James Oakley, Burnet County Judge


Jim Luther, Jr., Commissioner, Precinct 1


Damon Beierle, Commissioner, Precinct 2


Billy Wall, Commissioner, Precinct 3


Joe Don Dockery, Commissioner, Precinct 4

Attest: 
Burnet County Clerk

APPENDIX A - DEFINITIONS

- A. **Applicant** refers to an Owner or its authorized representative submitting an application and seeking approval of a proposed Subdivision pursuant to these Regulations.
- B. **AASHTO** means the American Association of State Highway and Transportation Officials.
- C. **Commissioners Court** refers to the Commissioners Court of Burnet County.
- D. **County** refers to Burnet County, Texas.
- E. **Development Services Department** is the county department established by the commissioner's court which, among other functions, administers the county subdivision process including but not limited to OSSF, floodplain development, permitting, 911 addressing and mapping.
- F. **Engineer** is a licensed engineer, as authorized by the State Statutes to practice the profession of engineering.
- G. **Final Plat** refers to a map of a proposed Subdivision of land prepared as described in these rules and in a form suitable for filing of record with all necessary survey drawings, notes, information, affidavits, dedications and acceptances as required by these Regulations.
- H. **Flag Lot** is a lot consisting of a stem which is typically long and narrow and connects the larger area with a public road and a flag section area which is typically a larger area where land development occurs. As provided for in Chapter 251 of the Texas Transportation Code and in other state laws the county has the general authority and responsibility for road and drainage maintenance and safety. Minimum driveway spacing is one critical component of both public safety and road and drainage maintenance. Therefore, flag lots are generally not permitted, except if approved by the Commissioners Court as consistent with the intent and spirit of these regulations. The Development Services Director or his designee shall advise the Commissioners Court if a proposed lot constitutes a "flag lot" and the Commissioners Court shall, in reviewing all the circumstances, make a final determination as part of the subdivision process.
- I. **Floodplain** is based on the Burnet County Flood Damage Prevention Order and the current Flood Insurance Rate Maps for the unincorporated areas of Burnet County; the area adjacent to a stream or watercourse which, on average, has a one percent chance of being inundated by flood water in any given year.
- J. **Lot** refers to a physically undivided tract or parcel of land having frontage on or adjacent to a public or private street or roadway and which is, or in the future may be offered for sale, conveyance, transfer, or improvement; which, is designated as a distinct and separate tract, and which is identified by a tract, lot number, symbol, or metes and bounds, whether in a duly approved subdivision plat which has been properly recorded or not.
- K. **Main Artery, Street or Road** refers to a traffic artery of minimum 50 feet right of way acting as a principal connecting street with a county road, state or federal highway, with the consent and permission of the federal or state highway department. Any portion of a lot used for access must be a minimum of 50 feet in width.

- L. **Model Subdivision Regulations** are those regulations set forth by Chapter 16.350 and 16.343 of the Texas Water Code and further codified by Title 31, Chapter 364 of the Texas Administrative Code.
- M. **Owner** refers to the owner of the land subject to the proposed Subdivision, including a person or entity constituting an owner and subdivider of land who divides a tract of land into two or more parts, as defined by Section 232.001 of the Texas Local Government Code, as now in effect or hereafter amended.
- N. **Permit** means a license, certificate, approval, registration, consent, permit, contract or other agreement for construction related to, or provision of, service from a water or wastewater utility owned, operated, or controlled by a regulatory agency, or other form of authorization required by law, rule, regulation, order, ordinance, that a person must obtain to perform an action or initiate, continue, or complete a project for which a permit is sought.
- O. **Project** means an endeavor over which a regulatory agency exerts its jurisdiction and for which one or more permits are required to initiate, continue, or complete the endeavor.
- P. **Plat** refers to the map, drawing, or chart on which subdivider's plan of a subdivision is presented, which he submits for approval, and all copies of it, including all components described by Chapter 232 of the Texas Local Government Code, as now in effect or hereafter amended.
- Q. **Preliminary Plat** refers to a plat of a subdivision which is under review by the Burnet County Commissioners Court in accordance with the requirements of these regulations and which has been filed with the Development Services Department.
- R. **Private Street/Road** refers to any right-of-way not dedicated to the public and restricted to the use of certain property owners and their needs.
- S. **Private Subdivision** refers to any subdivision with no dedications to the public and restricted to the use of certain property owners and their needs.
- T. **Public Maintained Street/Road** refers to any public right-of-way owned or, controlled by a city, the county, or state and maintained by same for use of vehicular traffic. This definition does not include streets dedicated to the public use and not accepted for maintenance by the aforesaid governmental entities.
- U. **Public Street/Road** refers to any right-of-way dedicated to the public use and not owned, controlled or accepted for maintenance by a city, the county or state.
- V. **Regulations** refers to the Burnet County Subdivision and Development Regulations.
- W. **Secondary Streets and Roads** refers to minor streets or roads which principally provide access to abutting property, other than arterial roads and alleys.
- X. **Subdivider, Developer or Owner** are synonymous and are used to include any person, partnership, firm, association, corporation (or combination thereof), or any officer, agent, employee, servant, or trustee thereof, who performs, or participates in the performance of, an act toward the subdivision of land within the intent, scope and purview of this Order.
- Y. **Subdivision** means a division of land situated within Burnet County and outside the corporate limits of any municipality, into two or more parts to lay out:
1. a subdivision of the tract, including an addition;

2. lots; or
3. streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.
4. A division of tracts under Subsection P includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for deed, by using a contract of sale or other executory contract to convey or by using any other method, including a condominium or multi-family scheme.

Subdivision also includes a division of land or subdivision as described in Chapter 232 of the Texas Local Government Code, as now in effect or hereafter amended.

- Z. **Surveyor** is a licensed State Land Surveyor or Registered Public Surveyor, as authorized by the State Statutes to practice the profession of surveying.
- AA. **Utility Easement** means an interest in land granted to the county, to the public generally, and/or to a private utility corporation, for installing utilities across, over or under private or public land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

APPENDIX B

SUMMARY OF BURNET COUNTY ROAD STANDARDS

Average Daily Traffic (one-way trips)**	0-1000	1001-2500	2501-5000	5001-15000
Functional Classification	Local Street	Minor Collector	Major Collector	Minor Arterial
Design Speed	25 mph	35 mph	45 mph	55 mph
Number of Lanes	2	2	2	4
ROW Width	50'	60'	70'	100'
Width of Traveled Way	20'	22'	24'	48'
Width of Shoulders	4'	5'	6'	8'
Minimum Centerline Radius	175'	375'	675'	975'
Minimum Tangent Length between Reverse Curves Or Compound Curves	75'	150'	300'	500'
Minimum Radius for Edge of Pavement At intersections	25'	25'	25'	25'
Intersecting Street Angle	80-100	80-100	80-100	80-100
Maximum Grade *	11%	10%	9%	8%
Minimum Street Centerline Offset at Adjacent Intersections	125'	125'	125'	125'
Minimum Stopping Sight Distance	175'	250'	350'	550'
Minimum Intersection Sight Distance	250'	350'	450'	550'
Steepest Ditch Foreslope Grade	3:1	4:1	4:1	5:1
Flood Design (year event)	10	15	25	25

- Any deviation from these standards must be the subject of an approved variance. *
- Lots that are restricted by plat note to one single-family residence shall be presumed to generate 10 one-way trips per day. Average daily traffic for all other lots shall be determined by the precinct commissioner of their designee. Factors to consider are lot size, other plat restrictions and the potential for future development. **
- The entire side ditch shall be totally contained within the road right-of-way or a dedicated drainage easement. Guardrails shall be required wherever the ditch depth exceeds 8' from the edge of the shoulder to the bottom of the ditch on local streets, 6' from the edge of the shoulder to bottom of the ditch on minor collectors and 4' from the edge of the shoulder to the bottom of the ditch on all others larger than a minor collectors.
- Any development generating more than 15000 average daily traffic will be designed according to TxDot standards.
- Shoulder to shoulder widths on streets utilizing sheet flow drainage shall extend 4 feet beyond the edge of the pavement or the outer edge of the ribbon curb on either side.

APPENDIX C Development Fees

The following are a list of development fees for Burnet County. These fees are subject to change.

Preliminary Plat without a designated floodplain:	\$300 + \$10 per lot
Preliminary Plat with a designated floodplain:	\$500 + \$10 per lot
Final Plat:	\$100 + \$5 per lot
Variance request:	\$100 per request type *(without a legal opinion)
Replat:	\$100

This fee schedule has been reviewed and approved by the Commissioner's County of Burnet County, Texas this _____ day of _____, 2011.

County Judge

Attest: _____

County Clerk

Additional fees shall be required by the Burnet County Clerk's Office for the filing of the plat in the Official Public Records of Burnet County upon final approval by the Burnet County Commissioners Court.

There shall be a \$200 fee for any plat that does not have an electronic copy compatible with the Burnet County base map. It is recommended that you meet with the GIS/Technology Coordinator prior to filing to assure the data being submitted is compatible.

*Costs incurred for any outside legal opinion(s) shall be reimbursed to Burnet County by the developer.