

**SUBDIVISION**

**REGULATIONS**

**FOR**

**BASTROP COUNTY**

**Revised  
April 24, 2017**

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## SECTION I

### GENERAL AUTHORITY

#### 1. AUTHORITY

These Regulations are and shall be deemed to be an exercise of power of the Commissioners Court, Bastrop County, Texas, over “county business” as conferred upon it by Article 6626a, Vernon’s Annotated Codes and Statutes (V.A.C.S.), originally, and subsequently by Articles 60702-1, Article 6626aa, and Article 6626c-d, V.A.C.S., all as provided for in Article V, Section 18, Texas Constitution.

Bastrop County is defined as an urban county with authority granted under Subchapter A and E of Chapter 232 of the Texas Local Government Code.

All authority specifically provided to Bastrop County by, or agreed to between Bastrop County and other local, state and/or federal agencies shall be applied to the fullest extent. Specific permitting requirements are subject to interlocal agreements relating to the extraterritorial jurisdictions between Bastrop County and the incorporated cities.

#### 2. PURPOSE

On July 25, 1988, acting pursuant to Texas Local Government Code §232.003 and the Bastrop County Flood Damage Prevention Ordinance and the Bastrop County rules for On-Site Sewage Facilities, the Bastrop County Commissioners Court adopted the following Regulations governing the subdivision of land. They were further revised on April 23, 2007, April 13, 2009, July 11, 2011 and March 24, 2014.

The regulations and requirements described in this and the following chapters, articles and sections, shall constitute and be designated as the “Subdivision Regulations for Bastrop County” and may be so cited. These Regulations govern the development of property within the jurisdiction of Bastrop County, Texas under authority set forth in Chapter 232 of the Texas Local Government Code and other applicable Texas statutes.

These Regulations constitute the rules governing subdivision and platting of property within the unincorporated areas of the County. They are intended to promote the health, safety, morals, and general welfare of the County and the safe, orderly, and healthful development of the unincorporated areas, these issues being hereby declared to be worthwhile public purposes and in the public interest. When in conflict with any previously enacted subdivision regulations for the County, these subdivision regulations shall control.

These Subdivision Regulations have been prepared in general to aid in the orderly development of Bastrop County, Texas, and provide guidelines which will lead to a desirable environment. Specifically they have been prepared for the following purposes:

- a. To furnish owners with guidance and assistance in the expedient preparation and approval of plats.
- b. To protect the citizens of the County by providing subdivision and development guidelines for residential, commercial and industrial subdivisions.
- c. To provide for the welfare of the public by providing guidelines for the location, design, and construction of roadways, roadway intersections, drainage improvements and other features that provide for the safety of the general public.
- d. To provide for the proper arrangement and construction of roads, and to ensure the proper relationship of roads to existing or planned roads.
- e. To ensure adequate access for emergency response vehicles.
- f. To ensure that the County will not be burdened with substandard roads in the future.

### 3. ENFORCEMENT AND PENALTIES

- a. Texas Local Government Code §232.005, as amended, provides for the enforcement of State subdivision laws and of these regulations.
- b. A person commits an offense if that person knowingly or intentionally violates a requirement of these Regulations. Such offense is a Class B misdemeanor.
- c. Under Texas law, a person may be jointly responsible as a party to an offense if the person (acting with intent to promote or assist the commission of the offense) solicits, encourages, directs, aids, or attempts to aid another person to commit the offense. Thus, any person who assists in violating these Regulations may also face criminal penalties.
- d. No party shall file for record or have recorded in the official records of the County Clerk's office any subdivision plat or replat without first securing approval thereto by the Commissioners Court, in lawful, open session. Further, no party so subdividing or replatting any real estate shall use the description of the subdivision or replat in any deed of conveyance or contract of sale delivered to a purchaser unless and until said plat has been duly authorized as aforesaid and the plat has been filed for record with the County Clerk.
- e. At the request of the Commissioners Court, the county attorney or other prosecuting attorney for the county shall have the power to enforce these Regulations by filing an action in a court of competent jurisdiction.

#### 4. COORDINATION WITH OTHER JURISDICTIONS

Whenever any portion of the property to be platted lies fully or partially within the Extra-Territorial Jurisdiction (ETJ) of a municipality, the platting procedure shall be accomplished in accordance with the current, applicable interlocal agreement (HB 1445) between the County and that municipality. The County shall maintain and make available to the public a list of all municipalities with ETJ within the County and shall identify on that list the Reviewing Authority for each portion of an ETJ within the County. For Applications for which the County is the Reviewing Authority, Applicants shall follow the procedures outlined in these Regulations.

## SECTION II

### DEFINITIONS AND ACRONYMS

For the purpose of these Regulations, the following terms, phrases, words, and their derivations shall have the meaning ascribed to them in this Section. All other words and terms shall have their usual force and meaning.

1. AASHTO – The American Association of State Highway and Transportation Officials is a nonprofit, nonpartisan association representing highway and transportation departments in the 50 states, the District of Columbia, and Puerto Rico that issues standards for design, construction of highways and bridges, materials, and other technical areas.
2. ADT – Average Daily Traffic is the total traffic volume during a given time period divided by the number of days in that time period and expressed in vehicles per day.
3. Alley – A public right-of-way which is used only for secondary access to individual properties which have their primary access from an adjacent public street or an approved common or compensating open space or courtyard which has direct access to a public street.
4. Amended Plat – A plat, previously approved by the Bastrop County Commissioners Court and duly recorded, which is resubmitted to the Commissioners Court for re-approval and recording which contains dimensional or notational corrections of erroneous information contained on the originally approved and recorded plat and it is not considered a revised plat, re-plat, or re-subdivision and may not contain any changes or addition to the physical characteristics of the original subdivision.
5. Applicant – The owner or the owner’s designated agent applying for approval, variance or waiver under these Regulations.
6. Boundary Street – Any street along the boundaries of a subdivision which would serve any properties outside the plat boundaries or provide a connection directly with a collector street.
7. Building Line – A line beyond which buildings must be set back from the lot or property line.
8. Collector Street – A street or road that collects traffic from other streets and serves as the most direct route to another collector, minor arterial, major arterial, or state highway.
9. Commissioners Court – The Bastrop County Commissioners Court; also referred to as the Court.

10. Condominium Development - A form of real property with portions of the real property designated for separate ownership or occupancy, and the remainder of the real property designated for common ownership or occupancy solely by the owners of those portions. For the purposes of these regulations a Condominium shall be all developments created under Chapter 82 of the Texas Property Code (The Uniform Condominium Act).
11. County – Bastrop County, Texas. Where referenced herein, the County may include either the Commissioners Court or personnel, departments or agencies of the County acting under authority delegated to such personnel, departments or agencies by the Commissioners Court.
12. County Clerk - The County Clerk of Bastrop County.
13. County Commissioner - The elected Commissioner of a precinct in Bastrop County in which a subdivision or facility is located, or the County Commissioner’s designated agent.
14. County Engineer – The licensed professional engineer appointed by the Commissioners Court to that position or the County Engineer’s designated agent.
15. County Road – Any public road or street in which the county has a public interest and has been maintained by the county and is not within the incorporate limits of a city and is not a state highway.
16. Cul-de-sac - A street that is designed to connect to another street only at one end and is terminated on the other end by a vehicular turnaround.
17. Designated 100-year Floodplain – Any area adjacent to a stream or water course which, on the average, has a 1% chance of being inundated from flood waters in any given year; also referred to as the floodplain, as designated by FEMA and reflected on Flood Insurance Rate Maps.
18. Development – Any man-made change in improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
19. Drainage Plan – A plan for collecting, controlling, transporting, and disposing of storm water falling upon, entering, flowing within, and exiting the subject property, to be developed based on drainage study prepared by engineer.
20. Driveway – An access facility from a public road for the use by the owners or others.
21. Engineer – A person who is licensed by the State of Texas as a professional engineer to practice engineering; also referred to as a Professional Engineer (PE).

22. Excavation – The mechanical removal of earth material.
23. Exempted Subdivision – Those subdivisions of land that are exempted from platting requirements as provided in Texas Local Government Code §232.0015.
24. Extra-Territorial Jurisdiction (ETJ) – Land located outside a City’s incorporated limits over which the City has jurisdiction under Chapter 42 of the Texas Local Government Code. Within an ETJ, cities have statutory authority to adopt rules governing plats and subdivisions.
25. Fill – Any act by which earth, sand, gravel, rock or similarly approved material is deposited, placed, pushed, pulled or transported to a place other than the place from which is excavated and the materials so placed.
26. Final Plat – A map or drawing of a proposed subdivision prepared in a manner suitable for recording in the county records and prepared in conformance with the conditions of preliminary approval previously granted by the Commissioners Court.
27. Flag Lot – A lot which has street frontage via a slender strip of land conforming to the subdivision layout requirements of these regulations.
28. Flood Damage Prevention Order – The rules approved by the Commissioners Court for the purpose of minimizing public and/or private losses due to flood conditions.
29. Floodway – The channel of a river, stream, branch, creek, or watercourse, and adjacent land areas required to carry and discharge a flood of given magnitude.
30. Industrial Street – A street or road intended primarily to serve traffic within an existing or proposed industrial development.
31. Local Street - A two lane paved roadway, with improved shoulders or curb and gutter, and considered a Local Rural Road.
32. Lot – An undivided tract or parcel of land regardless of size if it is within a subdivision plat, or by metes and bounds, or by survey and has frontage on a dedicated public street.
33. Major Arterial – A major traffic artery, carrying higher volumes of traffic, more or less continuously, which is intended to connect remote parts of the county and to act as a principal connecting street with other county roads and state highways.
34. Manufactured Home Rental Community – A tract of land that is separated into two or more spaces or lots that are rented, leased, or offered for rent or lease, for a term of less than 60 months without a purchase option, for the installation of manufactured homes for use and occupancy as residences.

35. Minor Arterial – A significant traffic artery, carrying high volumes of traffic, more or less continuously, which is intended to connect remote parts of the county and to act as a connecting street with other county roads and state highways.
36. Nonconforming Subdivision – A subdivision of land or a description of land for sale or resale that was, platted or filed with the County Clerk prior to May 9, 1983 and which subdivision results in public access, but for which a plan or plat has not been authorized for recording or recorded by the Bastrop County Commissioners Court.
37. Occupancy – To make use for residential, commercial, or industrial purposes.
38. Organized Disposal System – Any public or private system for the collection, treatment and disposal of sewage operated in accordance with the terms and conditions of a permit from the Texas Water Development Board, TCEQ and the Texas Department of State Health Services.
39. Pavement – The road bearing surface layer, on a private or public road, consisting of concrete, asphalt concrete or two applications of asphalt material each covered with aggregate and generally designed for a 20 year life expectancy.
40. Pre-application Conference – A meeting between the owner or his agent, the County Engineer, and the County Commissioner to discuss a possible development or subdivision.
41. Preconstruction Clearing – Minimal clearing for the purpose of surveying and testing survey where the disturbance of natural ground cover is held to a minimum.
42. Preliminary Plan – A map or drawing of a proposed subdivision illustrating the features of the development for review and preliminary approval by the County Engineer and Commissioners Court, but not suitable for recording in the County Records.
43. Property Owner Association – A not-for-profit organization established for the purpose of owning and managing the common land or amenities of a property and whose documents have been accepted and/or approved by the County with membership in an association comprised of more than one property; also referred to as a Home Owners Association.
44. Public Street – A public right-of-way, however designated, dedicated, or acquired, which provides vehicular access to adjacent properties; also refers to as a county road, city street, state highway, a road, or roadway.
45. Registered Professional Land Surveyor (RPLS) – A person who is licensed to practice public surveying by the State of Texas; also referred to as a Professional Surveyor.

46. Revised Plat – A division of land intended to be platted that has previously been approved as a final plat, by the Commissioners Court; also referred to as a revised subdivision.
47. Residential Street – A street or road which is intended primarily to serve traffic within a neighborhood or residential area, and which is not necessarily continuous through several residential areas.
48. Right-of-Way (ROW) - A general term denoting land, property or interest therein, usually in a strip, acquired for or devoted to transportation purposes. ROW is the entire width of land between the public boundaries or property lines of a roadway.
49. Road Surface – The portion of a street that is designed, improved, or ordinarily used for vehicular traffic.
50. Roadway – The road surface, curbs, shoulders, drainage ways, and other necessary items to transport persons, vehicles, or storm water.
51. Rural Roadway – A rural road shall be a one or two lane paved roadway, without improved shoulders, and considered a Special Purpose Road.
52. Rural Subdivision – A subdivision with a minimum lot size of one acre and an average lot size of more than two acres excluding areas within the 100-year floodplain and/or grades steeper than 10%.
53. Shared Access Driveway – A driveway which provides access for at least two lots but not more than four lots through a “Joint Use Access Agreement” filed with the County Clerk and is not intended to serve as a substitute for interior roads; also referred to as a Common Driveway.
54. Short Form Subdivision – A subdivision submitted for platting which meets specific conditions that may file a Preliminary Plan and a Final Plat for approval at the same time.
55. State Highway – A public road funded by the Texas Department of Transportation for construction and maintenance and is designated as a state road on general highway maps of Bastrop County.
56. Street Dedication Plat – A map or drawing illustrating only the location of a public street within a specific tract of land.
57. Street Width – The shortest horizontal distance between the lines which delineate the right-of-way of the streets.

58. Stub Street – A public street not terminated by a permanent circular turnaround, ending adjacent to undeveloped property or acreage and intended to be extended at such time as the adjacent undeveloped property or acreage is subdivided or developed.
59. Subdivider – Any owner or authorized agent thereof proposing to divide, or is dividing, land so as to constitute a subdivision according to the terms and provisions of these regulations; also referred to as developer; or applicant.
60. Subdivision – The division of any lot, tract, or parcel of land, within the unincorporated areas of Bastrop County, into two or more lots or sites for the purpose of public sale or building development, whether immediate or future, including re-subdivision of land for which a plat has been filed and recorded. It also includes those lots, tracts or parcels of land within Bastrop County which lie inside of the Extra Territorial Jurisdiction, where the County has been granted authority through a specific agreement with an incorporated City or Town, to regulate development subdivision permits.
61. TCEQ – The Texas Commission on Environmental Quality is a Texas state agency responsible for protecting the state’s public health and natural resources.
62. Tract – An undivided tract or parcel of land legally described in the deed records by a registered surveyor’s metes and bounds description; also referred to as a parcel. The tract shall have frontage to a dedicated public street.
63. TxDOT – The Texas Department of Transportation is a Texas state agency responsible for planning, designing, constructing, maintaining, and operating state transportation facilities including roads, bridges, waterways, and airports.
64. Urban Subdivision – A subdivision with a minimum lot size of one-quarter (1/4) of an acre and an average lot size one acre or less, excluding areas within the 100-year floodplain and shall be connected to a public water supply system and a public septic system.
65. Watercourse – A natural or man-made channel through which water flows.

## SECTION III

### SUBDIVISION PROCEDURES

#### 1. COMPLIANCE REQUIRED

No person shall create a subdivision of land either by sale, or lease, or otherwise, within Bastrop County without complying with the provisions of these Regulations, unless the Commissioners Court acknowledges that the division of land is exempted from platting as an “Exempted Subdivision” (See SECTIONS IV and VII). All plats for subdivisions shall conform to the rules and regulations set forth. These Regulations govern the planning, platting, construction, and maintenance of all subdivisions, except as provided herein.

#### 2. RULES AND REGULATIONS OF THE COMMISSIONERS COURT

- a. The Court may adopt rules of procedure to govern its actions. After public hearing thereon, the Court may adopt rules that shall be consistent with the provisions of this order and shall become effective upon being filed with the County Clerk.
- b. Decisions by the Commissioners Court concerning the specific interpretation of these regulations shall become a part of these regulations upon the filing with the County Clerk to assure uniform enforcement of these regulations throughout Bastrop County.

#### 3. DEDICATION AND MAINTENANCE OF STREETS

- a. Disapproval of a plat by the Commissioners Court shall be also deemed a refusal by the County concerning the maintenance of, or improvements to, any such dedicated parts until the Court has entered an order accepting such improvements for maintenance.
- b. It shall be unlawful for any officer or employee of the County to enter a subdivision for the purpose of maintaining streets, unless and until such utilities and drainage facilities have been installed as per approved plans, and such improvements have been accepted by the County, with such acceptance evidenced by official action of the Commissioners Court. The dedication of streets in a subdivision cannot be revoked by unilateral action of the subdivider after the subdivision plat has been filed for record and approved and the dedication accepted.

#### 4. INJUNCTIVE RELIEF

In addition to any other remedy provided by law, the County and its officers shall have the right to enjoin any violation of these regulations by injunction issued by a court of competent jurisdiction.

#### 5. PRELIMINARY PLAN

##### a. Timing of Submission

- (1.) A pre-application conference may be required for any subdivision. The owner or agent shall provide a sketch of the proposed layout showing general road patterns and lot configuration at which time the County Engineer and the County Commissioner can review the layout for compliance with the general subdivision requirements and procedures. The pre-application conference is for informational purposes only and shall not be construed as a formal approval or commitment.
- (2.) The preliminary plan shall be submitted to the County Engineer. The County Engineer shall respond within 30 calendar days reporting any non-compliance to the Applicant and the County Commissioner.
- (3.) A preliminary plan and a final plat may be submitted at the same time if prior approval is obtained from the County Engineer and the County Commissioner as noted in SECTION IV.

##### b. Preliminary Plan Requirements

- (1.) The required number of full size copies of a preliminary plan of any proposed subdivision located outside an incorporated city shall be submitted to the County Engineer. The preliminary plan shall consist of a drawing 24" x 36" in size (unless a different size is approved) at a scale of one inch = 100 feet or to a greater scale provided that the scale is divisible by 10. When the preliminary plan is over 100 acres, the scale may be reduced to one inch = 200 feet, or to a lesser scale divisible by 100 and provided prior approval by incorporated areas is granted where applicable. Copies of the preliminary plan in a size of 8-½" x 11" or 11" x 17" shall be submitted to the County Engineer when the plan is ready for consideration by the Commissioners Court. As applicable, the preliminary plan shall show the following information:
  - a.) The date of last revision, scale and north point, location map of the tract, the title under which the plat is to be recorded and the name and address of the owner, and person designing the preliminary plan. The preliminary plan shall bear the seal of a Professional Engineer and/or

Registered Professional Land Surveyor, certifying that all requirements have been fulfilled. The signature of the Engineer or Surveyor is not required on preliminary plan.

- b.) The preliminary plan shall show property lines, names of owners of adjacent properties, with deed references to un-subdivided tracts as available from current tax records, and lot, block, and recording information for adjacent subdivisions.
  - c.) The name, location, width, and centerline of existing streets, alleys, railroads, other similar transportation features, easements, lots, blocks, and public areas on or adjoining any part of the land being subdivided.
  - d.) Contour lines at two-foot intervals for areas with a slope of 2% or less and five-foot intervals for areas with a slope greater than 2%, such contour lines to not be more than 100 horizontal feet apart, unless spot elevations are provided, and based on U.S.G.S. datum, which shall be specified on the plan. Such topographical information, locations and dimensions shall be of sufficient accuracy as to permit the general planning of water lines, sanitary sewer lines, storm drainage facilities, streets and other proposed improvements.
  - e.) The centerline of existing watercourses, boundary of the 100-year floodplain , and location, size and flow line of existing drainage structures on the land being subdivided and on adjoining tracts, as per available and accurate information.
  - f.) The name, location, width and dimensions of proposed streets, alleys, easements, building lines, lots, blocks, parks and other public spaces, and uses for all sites.
  - g.) The location of city limits and extra-territorial jurisdiction boundaries of incorporated areas.
- (2.) When a subdivision is a portion of a larger area planned as a phased and related development, a master development plan of the entire area showing a schematic layout of the street and land uses shall be submitted with the preliminary plan of the portion first to be subdivided. All property covered by such master development plan must subsequently, prior to its development, be platted with due regard to the safe, healthful and orderly extension of roads, utilities, drainage and other public facilities.
- (3.) When a preliminary plan is submitted for property covered by a previously approved and still valid preliminary plan, the later preliminary plan shall include all the property covered by the previously approved preliminary plan which has not been final platted. The approval of such later

preliminary plan shall supersede and render void the effectiveness of the prior preliminary approval. The Court may allow the later preliminary plan to cover less than all the property covered by the previously approved preliminary plan and may allow the previously approved preliminary plan to remain partially in effect, if the Court finds that the same does not substantially impair the orderly planning of roads, utilities, drainage and other public facilities.

c. Preliminary Drainage Plan Requirements

A drainage plan shall be submitted with the preliminary plan. The drainage plan shall be accompanied by a copy of a topographical drawing at the same scale as the preliminary plan, showing the location, type, and size of all required drainage structures, and shall indicate the route of proposed drainage. Where a lot is located adjacent to a major drainage course or overflow channel, such that a part or all of the lot lies within the 100-year floodplain boundary, or where building sites are proposed to be located within the proposed 100-year floodplain boundary, the drainage plan shall show proposed building sites and elevations required to put the finished floor a minimum of two foot above the 100-year flood level of the drainage course or overflow channel.

- (1.) Drainage plans shall be drawn to a scale no smaller than the preliminary plan scale. The scale of supplementary plans, profiles, and cross-sections shall be sufficient to clearly show details, if required to demonstrate the adequacy of existing or proposed facilities.
- (2.) Plans shall show storm (flood) water routing and all drainage structures with culvert sizes, retarding and retaining structures, drainage easements with course and distance of centerlines and boundaries, lot lines, street layout, proposed inlets, culverts, roadside ditches, channel sections and slopes, bridges, channel improvements, levees, berms, or fills necessary to elevate land above flood levels and remove same from the flood area.
- (3.) The limits of the 100-year frequency storm watershed area shall be shown for all waterways, including overflow of structures and related backwater effects. Storm water runoff resulting from a design storm of 100-year frequency shall be contained within the available right-of-way and/or drainage easement. All drainage facilities must be designed for a storm of 25-year frequency and sufficient right-of-way and drainage easements to accommodate the 100-year frequency.
- (4.) The drainage plan shall be prepared by a Professional Engineer, whose seal and signature shall appear on the plan.

- (5.) An engineering drainage report supporting all drainage designs shall be submitted to the County. Computations shall be complete and orderly and shall clearly state all assumptions and design basis.
- (6.) Profiles, cross-sections, or substantiating data may be required at the County's request as necessary to support flood levels and backwater analysis.

d. Facility Planning Requirements

Applicants proposing a residential subdivision that will use on-site sewage facilities shall submit planning materials for the development in accordance with Texas Administrative Code, Title 30, Rule §285.4(c). The planning materials shall be submitted with the preliminary plan.

e. Expiration of Preliminary Plan Approval

The Commissioners Court approval of a preliminary plan shall expire one year after the date of approval unless a final plat is submitted for all or part of the area covered by the preliminary plan. The Commissioners Court may grant a six month extension of time to submit a final plat, provided the Applicant requests such extension in writing showing good cause and at least 30 days prior to the one year expiration date. Granting of an extension may be predicated upon the Applicant agreeing to comply with conditions of new or updated regulations, or other items as the Court may deem appropriate, as a condition of the extension.

6. FINAL PLAT

a. Submission of Final Plat

After the preliminary plan has been approved, the final plat shall be produced on mylar or by use of other materials and methods of a permanent nature in general use by the engineering profession. The plat shall be drawn on sheets 18" x 24" or 24" x 36" sheets as may be necessary, and all other required information shall be submitted to County Engineer, along with the required number of copies with all signatures, for final review prior to Commissioners Court's approval.

b. Information on Final Plat

This plat shall be drawn to a scale of one inch = 100 feet, or to a greater scale provided that the scale is divisible by 10. When the plat contains more than 100 acres the plat shall be drawn to a scale of one inch = 200 feet or to a lesser scale divisible by 100. Copies of the final plat in a size of 8-½" x 11" or 11" x 17" shall be provided to the County Engineer when the plat is ready for consideration by the Commissioners Court. The final plat shall show the following information:

- (1.) The date, subdivision title, scale, location map and north point.
- (2.) The name of the subdivision and adjoining subdivisions or the names of the adjoining property owners of the adjoining property owners, with deed references as per current tax records, the name of streets (to conform wherever possible to existing street names whenever extending streets, but not to create new streets with duplicate names), number of lots, linear feet of streets, and a letter designation and description of other open spaces for public or private use, in accordance with a systematic arrangement.
- (3.) The lines and names of all proposed streets or other ways or easements, including a statement of the purpose for which such easements are dedicated, and also the lines and names of other open spaces to be dedicated for public use or granted for use by the inhabitants of the subdivision. Show all natural drains and water courses as they exist, or as adjusted, with an easement width as required in these specifications. All easements of record shall be shown.
- (4.) The location, identification, and type of reservation, easements, dedications, or donation of land for the purpose of compliance with the land set aside within the subdivision.
- (5.) Sufficient data to determine readily and reproduce on the ground the location, true bearing and length of every street line and lot line, block line, and easement line, whether curves or straight. This shall include the radius, arc, and chord distance and bearing for the property lines of curved streets and curved property lines.
- (6.) The location of all permanent monuments and control points. The monuments and pins shall be delineated in a standard manner with:
  - a.) found concrete monuments shown as a solid square;
  - b.) set concrete monuments shown as an open square;
  - c.) found pins as a solid circle;
  - d.) set pins as an open circle
- (7.) Dimensions shall be shown in feet and hundredths of a foot, and angles in degrees, minutes and seconds. All lines and ties to primary control points, existing monuments, and approximate distance to a survey corner shall be shown.
- (8.) The location of the boundaries of the 100-year floodplain for all waterways shall be shown in accordance with the requirements of the "Bastrop County

Flood Damage Prevention Order” and drainage requirements of this specification. These boundaries shall be established by a Professional Engineer of the State of Texas, whose seal and signature shall appear on the plan. Should the Applicant elect to alter the 100-year floodplain within a drainage easement, the actual boundaries of the 100-year floodplain shall be shown in a different line provided that the Professional Engineer certifies that the actual 100-year floodplain boundaries are contained within the drainage easement.

- (9.) The finished floor elevations for buildings on lots, a portion of which lots lie within the 100-year floodplain boundary, shall be noted on the plat within the boundaries of the lot or tract to which they apply. The floor elevations shall be determined by a Professional Engineer and shall comply with the requirements of all Bastrop County regulations.
  - (10.) One or more bench marks shall be placed as permanent monuments in subdivisions which contain the 100-year floodplain boundary. The distance between bench marks in these subdivisions shall not exceed 2,500 feet for areas affected by the 100-year floodplain.
  - (11.) The legal description of the property proposed to be subdivided including acreage, name of the County, survey and abstract number, together with reference to the approximate distance to the nearest corner of the original survey of which it is a part and survey-ties across existing street right-of-ways to verify the right-of-way widths.
  - (12.) A table showing the driveway design culvert size shall be shown for driveways utilizing other than curb and gutter street designs to convey the 25-year frequency storm, as determined by a Professional Engineer.
- c. Expiration of Approved Final Plat

Commissioners Court approval of a Final Plat shall expire two years after the date of approval if the Final Plat is not recorded. Upon written request from the Applicant showing good cause at least 30 days prior to the Final Plat approval expiration, the Commissioners Court, at its sole discretion, may grant an extension. Extension may be predicated upon the Applicant agreeing to comply with conditions of new or updated regulations or other items as the Court may deem appropriate as a condition of the extension.

## 7. CERTIFICATIONS AND SIGNATURE BLOCKS

The following certifications and signature blocks shall appear on the title sheet of the final plat:

- a. A statement signed and acknowledged by the owner(s), or lien holders, with current addresses certifying consent of dedication of all streets, alleys, easements, parks and other open spaces to public use; or when the subdivider has made provisions for dedication to the inhabitants of the subdivision.
- b. Certification by a Professional Surveyor to the effect that the plat represents a true and accurate on-the-ground survey made by the Surveyor and that all the necessary survey monuments are correctly show thereon
- c. Certification by a Professional Engineer to the effect that the plat satisfies the engineering requirements of these regulations.
- d. As applicable, certification by the public water provider that water service is available.
- e. Certification for signature by the County Clerk indicating the date of Order of the Commissioners Court authorizing the filing of the plat for records.
- f. Certification for signature by the County Clerk attesting to the date and fact of filing for record and indicating the book and page of record in the Plat Records of Bastrop County.

## 9. PLAT NOTES AND ACKNOWLEDGEMENTS

Bastrop County maintains a library of general plat notes. The following shall appear on the title sheet of the final plat as plat notes:

- a. Restrictive covenants imposed on the land if established by the Applicant.
- b. Acknowledgement that: "It is understood that on approval of this plat by the Commissioners Court of Bastrop County, Texas, that the construction of all bridges, culverts, streets, roads and other public thoroughfares delineated and shown on this plat, shall remain the responsibility of the owner and/or developer of the tract of land covered by this plat, in accordance with plans and specification prescribed by the Commissioners Court of Bastrop County, Texas. The Court assumes no obligation to construct any bridges, culverts, streets, roads or public thoroughfares shown on this plat, or of constructing any bridges or culverts in connection therewith."
- c. Acknowledgement that: "Upon approval of this plat by the Commissioners Court for filing and subsequent acceptance of maintenance of streets by Bastrop County, it is understood that placement of any and all traffic control devices requiring signage such as street names, speed limits, stop signs, yield signs, etc., shall be the sole responsibility of the developer under the direction of the Commissioners Court and/or the County Engineer."

- d. Acknowledgement that: “Neither approval of a subdivision plat by the Bastrop County Commissioners Court, nor the filing/recording of an approved subdivision plat constitutes acceptance by Bastrop County of any dedication of the roads/streets depicted on the plat. Only the Bastrop County Commissioners Court, acting as a body, has the authority to accept roads/streets into the Bastrop County road system for county maintenance. Individual members of the Bastrop County Commissioners Court have no authority to bind Bastrop County by separate action. Until Bastrop County, through its Commissioners Court, accepts a road/street that has been dedicated in a plat, said road/street is not a County road, and is not subject to County maintenance.”
- e. If the subdivision will not be served immediately by a water utility, a restriction prohibiting occupancy of any lot until water satisfactory for human consumption is available from a source, in adequate and sufficient amounts.
- f. If the subdivision will not be served immediately by a sewage-collecting system connected to an approved private community disposal facility, or to a public sewer system, and if disposal of domestic sewage through a private individual sewage disposal system has been approved by the appropriate local authority for each lot, the plat shall contain a restriction prohibiting occupancy of any lot until such private individual sewage disposal system has been installed, inspected, and permitted in accordance with the rules and regulations of the Texas Department of State Health Services and/or the TCEQ and the appropriate local authority.
- g. If any portion of any lot shown on a subdivision final plat is located within the regulatory 100-year floodplain, the building elevation (a minimum of two foot above the 100-year base flood elevation) for each site so affected shall be determined by a Professional Engineer, and shall be shown on the plat, with the Professional Engineer’s certification.

9. OTHER SITE IMPROVEMENT DATA REQUIRED WITH FINAL PLAT

- a. Two paper copies and an electronic copy of the detailed construction plans for streets and drainage prepared in accordance with Section XI shall be submitted with the final plat for review and approval by the County Engineer. The paper copies shall be 12” x 18” (ARCH B) or 11” x 17” (ANSI B) in size. If these plans are not available at the time the final plat is submitted, a copy of a notarized statement may be submitted in lieu thereof signed by the owner(s) declaring that such construction plans shall be submitted at a later date, but prior to the start of any site development. If this latter option is elected, the amount of construction security shall be increased to include cost of preparation of construction plans.
- b. Water and/or Sewer Service Improvement Data:
  - (1.) If water and/or sewer services are to be provided by a public corporation or district established under Texas law to provide such services, a written

statement shall be required from the authorized officials of the corporation or district to the effect that sufficient water and/or sewage capacity is available for all future subdivision residents and that satisfactory fiscal arrangements have been made with the corporation or district for construction of the facilities in the subdivision by the developer or that the necessary facilities will be constructed by the corporation or district as development progresses. Where the corporation or district certifies that services will be provided and constructed by them and will be constructed as development progresses, the developer requirement for furnishing plans or notarized statement prior to final plat is waived and the corporation or district shall furnish plans as required prior to actual construction.

- (2.) If water and/or sewer services by a private supply and/or collection and disposal system have been authorized by the appropriate state regulatory body(s), the Applicant shall submit copies of all pertinent authorizing documents including copies of any plan and specifications required by the regulatory body(s) in their approval, and shall also submit detailed information relating to the plans for continuous operation and maintenance of the proposed supply and/or collection and disposal system.
- (3.) Where water collection and/or sewer distribution facilities are to be provided by the Applicant in accordance with these regulations, and are to be located within the street right-of-way or within public utility or drainage easements, the Applicant shall submit two paper copies and an electronic copy of the detailed construction plans and specifications for all such facilities, prepared in accordance with Section XI, for review and approval by the County Engineer. The paper copies shall be 12" x 18" (ARCH B) or 11" x 17" (ANSI B) in size. If these plans are not available at the time the final plat is submitted, a copy of a notarized statement may be submitted in lieu thereof, signed by the Applicant declaring that such construction plans shall be submitted at a later date, but prior to the start of any site development. If this latter option is elected, the amount of construction security shall be increased to include the cost of preparation of construction plans.

#### 10. OTHER ITEMS TO BE SUBMITTED WITH FINAL PLAT

The following additional information shall accompany the required number of copies of the final plat:

- a. A good and sufficient bond or letter of credit for the proper construction of the streets, drainage and monuments and/or such other sureties as may be approved by the Commissioners Court.
- b. Documents from any other utility and/or service companies serving the immediate area (electric power, telephone, gas, etc.) which state what services will be available to the subdivision.

- c. A statement from the impacted groundwater district that certifies that adequate ground water is available for the subdivision if water is not to be provided by a public or private provider.
- d. A copy of the restrictions and covenants to be recorded, if any.
- e. Current tax certificates stating that all taxes (County, City, school, etc.) are current.
- f. Survey closure information for the tract boundary, right-of-ways, blocks, and lots.
- g. Cost estimates signed by a Professional Engineer for street and drainage improvements estimated quantities, unit prices, and contingencies.

11. ADMINISTRATIVE PROVISIONS

The following statutory authority is hereby adopted and approved for all purposes regarding these Subdivision Regulations for Bastrop County, for application, use, and enforcement in the unincorporated areas of Bastrop County, Texas: Sections 232.003, 232.0095, 232.010, 232.011, 232.101, 232.107 of the Texas Local Government Code; Sections 212.013, 212.014, 212.015, and 212.016 of the Texas Local Government Code.

12. ALTERNATIVE PLAT PROCEDURES FOR PLAT REVISION

As authorized by Sections 232.008, 232,009 and 232.0095 of the Texas Local Government Code, the requirements and procedures for plat cancellations, plat vacations, replats and amended plats are outlined below.

a. Cancellation of Subdivision

Any Application to cancel an existing plat or any portion of an existing plat of a subdivision located outside of the extra-territorial jurisdiction of any municipality shall be submitted and considered in accordance with Texas Local Government Code §232.008, which establishes, among other things:

- (1.) The Application shall be granted if it is shown that the cancellation of all or a 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;
- (2.) Notice of the Application must be published in English in the County for at least three weeks before action is taken on the application;
- (3.) Upon Application of the owners of 75% of the property included in the subdivision, phase or identifiable part, the Commissioners Court shall

authorize the cancellation upon notice and hearing as required under Texas Local Government Code §232.008, provided that if the owners of at least 10% of the property affected file written objections with the Commissioners Court, the grant of an order of cancellation is at the discretion of the Commissioners Court; and,

- (4.) Regardless of the date land is subdivided or a plat is filed for a subdivision, the Commissioners Court may deny a cancellation, if it determines the cancellation will prevent the proposed interconnection of infrastructure to pending or existing development.

b. Vacating Plat

Any Application to vacate an existing plat or any portion of an existing plat of a subdivision located outside the extra-territorial jurisdiction of any municipality shall be submitted and considered in accordance with Texas Local Government Code §212.013.

The Owner(s) of the tract covered by a plat may vacate the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat. If lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat.

The County Clerk shall write legibly on the vacated plat the word "Vacated" and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded. On the execution and recording of the vacating instrument, the vacated plat has no effect.

c. Replatting Without Vacating Preceding Plat

Any Application to replat a subdivision or part of a subdivision with vacating the existing plat of the subdivision located outside the extra-territorial jurisdiction of any municipality shall be submitted and considered in accordance with Texas Local Government Code §212.014 and §212.015.

- (1.) A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:
  - a.) is signed and acknowledged by only the owners of the property being replatted;

- b.) is approved after a public hearing conducted by the Commissioners Court at a public meeting on the matter at which parties in interest and citizens have an opportunity to be heard; and
  - c.) does not attempt to amend or remove any covenants or restrictions.
- (2.) Additionally, a replat without vacation of the preceding plat must conform to certain additional requirements if one or both of the following special circumstances exist:
- a.) during the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification (only if said zoning classification is allowed by law for county regulation) to residential use for not more than two residential units per lot; or
  - b.) any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.
- (3.) If one or both of the said special circumstances exist, the following additional requirements shall also apply to a replat without vacation of the preceding plat:
- a.) Notice of the public hearing shall be given before the 15<sup>th</sup> day before the date of the hearing:
    - i. by publication in an official newspaper or a newspaper of general circulation in Bastrop County, Texas; and
    - ii. by written notice, with a copy of Subsection (c) of Texas Local Government Code §212.015 attached, forwarded by the Commissioners Court to the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved county tax roll of the property upon which the replat is requested.
  - b.) The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of Bastrop County.
  - c.) If the proposed replat requires a variance and is protested in accordance with these provisions, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the Commissioners Court. For a legal protest, written instruments signed by the owners of at least 20% of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original

subdivision, must be filed with Commissioners Court prior to the close of the public hearing. In computing the percentage of land area, the area of streets and alleys shall be included. Compliance with this item (c.) is not required for approval of a replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

d. Amending Plat

Any Application to amend an existing plat of a subdivision located outside the extra-territorial jurisdiction of any municipality shall be submitted and considered in accordance with Texas Local Government Code §212.016.

The Commissioners Court may approve and issue an amending plat, which may be recorded and is controlling over the preceding plat without vacation of that plat, if the amending plat is signed by the applicants only and is solely for one or more of the following purposes:

- (1.) to correct an error in a course or distance shown on the preceding plat;
- (2.) to add a course or distance that was omitted on the preceding plat;
- (3.) to correct an error in a real property description shown on the preceding plat;
- (4.) to indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
- (5.) to show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
- (6.) to correct any other type of scrivener or clerical error or omission previously approved by the Commissioners Court, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
- (7.) to correct an error in courses and distances of lot lines between two adjacent lots if:
  - a.) both lot owners join in the application for amending the plat;
  - b.) neither lot is abolished;
  - c.) the amendment does not attempt to remove recorded covenants or restrictions; and
  - d.) the amendment does not have a material adverse effect on the property rights of the other owners in the plat;

- (8.) to relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
- (9.) to relocate one or more lot lines between one or more adjacent lots if:
  - a.) the owners of all those lots join in the application for amending the plat;
  - b.) the amendment does not attempt to remove recorded covenants or restrictions; and
  - c.) the amendment does not increase the number of lots;
- (10.) to make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
  - a.) the changes do not affect applicable county regulations, including zoning regulations if the county has authority to adopt zoning regulations; and
  - b.) the changes do not attempt to amend or remove any covenants or restrictions; or
- (11.) to replat one or more lots fronting on an existing street if:
  - a.) the owners of all those lots join in the application for amending the plat;
  - b.) the amendment does not attempt to remove recorded covenants or restrictions;
  - c.) the amendment does not increase the number of lots; and
  - d.) the amendment does not create or require the creation of a new street or make necessary the extension of municipal or county facilities.

Notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.

13. EXCEPTION TO PLAT REQUIREMENT: COUNTY DETERMINATION REGARDING PLAT REVISION

Pursuant to Sections 232.010, 232.101, and 232.107 of the Texas Local Government Code, the Commissioners Court may allow conveyance of portions of one or more previously platted lots by metes and bounds description without revising the plat, provided that said conveyance does not violate, amend, remove, or attempt to violate, amend or remove, any covenants or restrictions.

## SECTION IV

### SHORT FORM PROCEDURES FOR FINAL PLATS

#### 1. APPLICABILITY OF "SHORT FORM SUBDIVISION" PROCEDURES

- a. The "short form subdivision" procedure, which does not require a preliminary plan, may be followed when the subdivision contains no more than four lots and the land proposed to be subdivided meets the following conditions and requirements:
  - 1.) Such land abuts upon a street of adequate width and is so situated that no additional streets, alleys, easements or other public property and no additional public improvements are required in order to meet the County requirements;
  - 2.) The perimeter of the tract being subdivided has been surveyed and marked on the ground and a plat thereof has been prepared and filed with the officials of or Bastrop County;
  - 3.) The topography of the tract and the surrounding land is such that no regard need be given in such subdivision to drainage, or where arrangements have been made for the construction of such drainage facilities;
  - 4.) The utilities, as required, are in place to serve each parcel or lot of such subdivision or arrangements to provide such utilities have been made;
  - 5.) The plat shall be signed and acknowledged by the owner of the land and shall be accompanied by tax certificates showing all taxes being paid to date; and
  - 6.) The plat shall conform to all requirements of a Final Plat including the approval by the Commissioners Court prior to filing with the County Clerk.

#### 2. OTHER REQUIREMENTS

All plats shall conform to, or be able to conform to all 9-1-1 addressing, driveway, on-site sewage facility, and development/floodplain management permit requirements set by federal and/or state agencies and the Commissioners Court.

## SECTION V

### SUBDIVISION LAYOUT REQUIREMENTS

#### 1. GENERAL

Preliminary plans and final plats for streets and drainage facilities in subdivisions shall conform to the layout provisions set out below.

#### 2. SUBDIVISION TYPES

a. Rural Subdivisions have the following characteristics.

- (1.) Lots in a Rural Subdivision may be served by individual water wells and an individual on-site sewage facility.
- (2.) Drainage is carried in open roadside ditches.
- (3.) The minimum size for all lots in a Rural Subdivision is one acre.

b. Suburban Subdivisions have the following characteristics.

- (1.) Lots in a Suburban Subdivision are served by a community water system and may be served by an individual on-site sewage facility.
- (2.) Drainage is carried in open roadside ditches.
- (3.) The minimum size for all lots in a Suburban Subdivision is one half acre.

c. Urban Subdivisions have the following characteristics.

- (1.) Lots in an Urban Subdivision are served by a community water and wastewater system.
- (2.) Drainage is carried in curb and gutter to a closed conveyance storm sewer system.
- (3.) The minimum size for all lots in an Urban Subdivision is one quarter acre.

#### 3. STREET MONUMENTS AND PROPERTY MARKERS

a. Concrete monuments shall be placed along the boundary of the subdivision at intervals not exceeding 1,300 feet. Such monuments shall be a minimum of eight inches in diameter and 18 inches deep, except where rock is encountered within 14 inches of the surface in which case such monuments shall be countersunk in such rock to achieve a firm interlock. The exact point shall be clearly marked by suitable means.

- b. Intermediate property corners, curve points and angle points shall be marked by iron stakes, not less than 18 inches in length and one-half inch in diameter, driven flush with the ground whether set in sand, clay, rock, concrete, or in shallow dirt over rock and countersunk, if necessary, in order to avoid being disturbed.
- c. Survey monuments shall be set in concrete and so noted on the final plat with bearing and distance ties between the monument and to adjacent property corner or street right-of-way point. The Applicant shall, at his/her expense, cause the monument to be placed and approved in the designated location prior to final acceptance of the subdivision by the County.

#### 4. EASEMENTS

- a. Utility, Access, and Drainage

Easements for utilities, access, enclosed drainage ways, or other specific uses shall be retained on front, side, and rear lot lines (except where alleys of not less than 20 feet in width are provided in a subdivision) as may be required by utility companies and the Commissioners Court. Easements across parts of a lot other than as described above shall be required as deemed necessary by the Court. All such utility, access, and drainage easements shall be so aligned as to permit construction of utilities therein at the minimum cost.

- b. Drainage Easements

Easements shall be retained along drainage ways, which carry drainage away from roads or which convey main drainage from and through the lots or tracts. Easements shall be a minimum of 25 feet wide for open drainage channels, or sized to accommodate the 100-year floodplain. A suitable note on the plat must restrict all properties within the subdivision insuring that drainage easements within the plat boundaries shall be kept clear of fences, buildings, planting and other obstructions that would affect the flow of water and/or the operation and maintenance of the drainage facility. County employees shall have the right to enter any drainage easement.

- c. Commercial and Industrial Services

Appropriate service ways for off-street loading and unloading, not less than 20 feet in width, shall be provided to serve commercial and industrial sites and be convenient to driveway entrances and exits.

#### 5. OFF-SITE EASEMENTS

When the Court finds that easements in areas adjoining a proposed subdivision are necessary to provide adequate drainage thereof or to serve such subdivision with

utilities, the Applicant shall obtain such easements from the appropriate entity prior to final plat approval.

## 6. PRIVATELY-OWNED EASEMENTS AND FEE STRIPS

- a. All easements or fee strips created prior to the subdividing of any tract of land must be shown on the subdivision plat with appropriate notations indicating the name of the holder of such easement or fee strip, the purpose of the easement and generally the facilities contained therein, the dimension of the easement or fee strip tied to all adjacent lot lines, street right-of-way and plat boundary lines and the recording reference of the instruments creating and establishing said easement or fee strip.
- b. In those instances where easements have not been defined by accurate survey dimension, such as an “over and across” type easement, the Applicant shall request the information from the owner of such easement through the property within the plat boundaries. If the holder of an undefined easement does not define the easement involved and certifies his refusal to define such easement to the Court, the subdivision plat must provide accurate information as to the centerline location of all existing pipelines or other utility facilities place in conformance with the easement owner’s right.
- c. A letter, statement, or other instrument from the owner of any privately owned easement within the plat boundaries must be provided where such easements are proposed to be crossed by streets (either public or private), or public utility, or drainage easements, stating that the owner of such easement approves such crossing of his/her private easements for the purposes intended and depicted upon the plat.
- d. Where an instrument of record is submitted in lieu of a letter or statement from the owner of any such private easement, the Court shall then refer such instrument to the County’s attorney to determine whether the conditions in such instrument are sufficient to adequately provide or accommodate the crossings of such private easement by the proposed streets (either public or private), public utility, or drainage easements depicted on the plat.

## 7. STREETS

### a. Relation to Street System

Streets of new subdivisions shall be in line with existing and/or proposed streets in adjoining property except where, in the opinion of the Court, topography, requirements of traffic circulation or other considerations make it desirable to depart from such alignment. All collectors and arterials shall conform to the Bastrop County Comprehensive Transportation Plan.

b. Access to Lots

Each lot in a subdivision shall abut on a public street and have the minimum lot frontage set forth in Section VI.

c. Boundary Streets

Additional right-of-way dedication may be required as consistent with the Bastrop County Comprehensive Transportation Plan and future traffic demands to the extent of 50% of the total requirement on the subdivision side of the existing or proposed right-of-way centerline as established prior to any additional dedications on the opposite side. The Commissioners Court may compensate owners required to dedicate right-of-way in excess of 120 feet or more than 60 feet from the existing or proposed centerline.

8. OTHER DESIGN REQUIREMENTS

a. Intersections

Acute angles between streets in subdivisions at their intersection shall be avoided, provided that when intersecting angles sharper than 80 degrees are deemed necessary by the County Engineer and the Commissioners Court, the property line in the small angle of the intersection shall be rounded so as to permit the construction of curbs having a radius of not less than 25 feet without decreasing the normal width of the roadside area as determined by the County Engineer.

b. Temporary Turnarounds

If proposed street extensions between subdivisions or subdivision sections are approved and platted without cul-de-sac turnarounds at the boundary of the section or subdivision, the right-of-way of that street shall be a minimum of 60 feet except where a curbed type street section is to be constructed, and the street design shall include provisions for a temporary turnaround as required by the County Engineer.

c. Street Arrangement

For design of safe residential streets, the following rules should be followed wherever possible:

- (1.) Use of "T" intersections rather than four-way intersections, and intersect all streets at 90 degrees. A minimum tangent section (as defined in Section IX) at right angles to the street being entered by an intersecting street shall be designed prior to any curve radius on the entering street. If this cannot be done due to topography or other constraint or where such intersection is determined as desirable by the County Engineer from the standpoint of

access, traffic flow or safety, the revised designs must be approved by the County Engineer.

- (2.) Use of curved streets, if appropriate, with a minimum centerline radius as specified in this order.
- (3.) Eliminate continuous streets through neighborhoods, particularly those connecting two arterials by a direct route.
- (4.) Offset intersections must be a minimum of 150 feet centerline to centerline.
- (5.) Cul-de-sacs shall not provide access to more than 20 lots and shall provide turnarounds.

d. Driveways

All driveways shall be located, designed, constructed, and maintained in accordance with the Bastrop County Driveway Standards approved by the Commissioners Court.

e. Block Lengths

- a. Rural and Suburban Subdivisions – Residential blocks in rural and suburban subdivisions should not exceed 3,000 feet in length, depending on requirements of circulation, topography and other factors.
- b. Urban Subdivisions – Residential blocks in urban subdivisions shall not exceed 1,300 feet in length unless such blocks are parallel to and adjacent to an arterial, in which case such blocks shall not exceed 1,750 feet in length.
- c. Commercial/Industrial Subdivisions - Block lengths may be up to 2,000 feet in length, provided that the requirements of traffic circulation and utility service are met. Block lengths may vary according to the requirements of circulation, topography and other factors.

f. Block Widths

Block widths in residential subdivisions should be such as to allow for two tiers of lots back to back, except where abutting an arterial to which access to the lots is prohibited, or where prevented by topographical conditions or size of the property.

g. Lot Arrangements

In general, the side lines of lots in subdivisions shall be approximately at right angles to straight lines or radial to curved street lines. An arrangement placing adjacent lots at right angles to each other should be avoided.

h. Lot sizes

For subdivisions without centralized wastewater collection, lots shall be configured to comply with TCEQ and Bastrop County on-site sewage facility regulations and requirements for sanitary easements around public and private water wells.

i. Intersections

(1.) General

Intersections shall be designed for the control of traffic generated by the project, control of existing traffic that might use the project for access to some other area, and the future safety of the public.

(2.) Major Intersections

Streets intersecting roadways on the state highway system shall require the approval of the Texas Department of Transportation.

SECTION VI

INFRASTRUCTURE PLANNING

1. GENERAL

Bastrop County may establish any requirements for subdivisions that are applicable to an “Urban County” under Subchapter E of Chapter 232 of the local Government Code. Prior to exercising additional authority, the Commissioner Court shall provide that a notice be published in a newspaper of general circulation in the county and conduct a public hearing.

2. COMPREHENSIVE TRANSPORTATION PLAN

The Commissioners Court may adopt a major thoroughfare plan, such as the Bastrop County Comprehensive Transportation Plan that sets specific right-of-way (not to exceed 120’), road surface, and related drainage requirements based on the existing or anticipated functional use of roads within the county. The road system plan shall be consistent with transportation plans adopted by state, regional and local governments.

3. LOT FRONTAGES AND SET BACKS

The Commissioners Court may adopt reasonable standards for minimum lot frontages on existing county roads and establish reasonable standards for the lot frontages in relation to curves in the road. The Court may also establish reasonable building and setback lines.

- a. The minimum lot frontage and building setbacks on county roads shall be as follows:

Road Type	Subdivision Type	Minimum Lot Frontage (ft)	Building Setback (ft)
Local Rural Road	Rural	150	20
Cul-de-sac		75	20
Local Rural Road	Suburban	120	20
Cul-de-sac		60	20
Local Urban Street	Urban	70	20
Cul-de-sac		45	20
Rural Collector	Rural/Suburban	150	25
Urban Collector	Urban	150	25
Minor Arterial	All	200	30
Major Arterial	All	250	30
Commercial/Industrial	All	250	30

- b. Lot frontage for “flag lots” shall be platted as provided in SECTION VII.

#### 4. DEVELOPER PARTICIPATION CONTRACTS

The Commissioners Court may approve developer participation contracts not to exceed 20% of the total construction contract. All participation contracts shall be to construct public improvements such as roads, bridges and/or drainage facilities, not including a building.

#### 5. CONNECTION OF UTILITIES

The Commissioners Court may require the connection of structures to water and/or waste water systems.

#### 6. FIRE SUPPRESSION SYSTEM

In a subdivision that is not served by fire hydrants as part of a centralized water system certified by the TCEQ as meeting minimum standards for water utility service, the Commissioners Court may require a limited fire suppression system that requires a developer to construct:

- a. 2,500 gallons of storage for a subdivision of fewer than 50 houses; or
- b. 2,500 gallons of storage with a centralized water system or 5,000 gallons of storage for a subdivision of 50 or more houses.

## SECTION VII

### EXEMPTIONS AND SPECIAL SUBDIVISIONS

#### 1. GENERAL

- a. Subdivisions with an approved preliminary plan and/or final plat prior to the effective date of these regulations shall comply with the requirements of the Bastrop County Subdivision Regulations in effect at the time of their approval.
- b. Any nonconforming subdivisions shall comply with the requirements of the regulations in effect at the time of their approval or filing with the County Clerk.
- c. Exempted Subdivisions may, but are not required to, conform to the platting regulations.
- d. Any revised plats in these subdivisions shall conform to these Regulations.

#### 2. EXEMPTED SUBDIVISIONS

Any subdivision that is exempted from platting under Texas Local Government Code §232.0015 shall comply with the following requirements:

- a. All lots must have direct access to a public road;
- b. All lots in an exempted subdivision must comply with 9-1-1 addressing, driveway, on-site sewage facility and development/floodplain management permit requirements and obtain appropriate permit(s) from Bastrop County.
- c. Any Restrictive Covenants imposed on the land if imposed by the owners.

#### 3. SUBDIVISIONS WITH FLAG LOTS

- a. All subdivisions with two or more adjacent flag lots shall be platted.
- b. These provisions only apply to multiple flag lots within a subdivision.
- c. A flag lot consists 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.
- d. Flag lots shall generally be avoided and used only where property lines, topography and/or drainage require the use of flag lots to develop property at similar intensity enjoyed by similarly situated property. The number of flag lots shall not exceed 5% of the total lots created.

- e. Flag lots in all subdivisions, regardless of the state requirement to plat or not, shall conform to these special requirements:
  - 1.) The stem of each flag lot shall be a minimum of 15 feet wide and provide access to a public road; however, the sum of all “stems” of flag lots may not exceed 60 feet.
  - 2.) A “Joint Use Access Agreement” shall be provided and filed with the subdivision if the access “stem” of two or more flag lots are adjacent to each other. No property owner shall place any fences, walls or any other obstructions within the area covered by the “Joint Use Access Agreement”. The road width within the “Joint Use Access Agreement” shall be a minimum of 18 feet and shall include a minimum clear zone width of six feet on each side of the pavement.
  - 3.) Design, construction, and maintenance of the Shared Access Driveway and the “Joint Access Agreement” must be approved by the County Engineer.
  - 4.) All driveways shall comply with the County’s Driveway Standards unless determined by the County Engineer that an alternative design would improve safety and traffic flow.

#### 4. MANUFACTURED HOME RENTAL COMMUNITIES

As authorized under Texas Local Government Code §232.007, the Bastrop County Commissioners Court adopted infrastructure regulations for manufactured home rental communities on September 13, 1999. These are intended to insure safe access of fire and emergency vehicles, protect against flood damage to properties and possible loss of life, and insure adequate water and wastewater facilities.

The minimum infrastructure regulations follow:

- a. Construction of a proposed manufactured home rental community may not begin before the infrastructure plan has been approved by the County Engineer or other person designated by the Commissioners Court.
- b. All infrastructure plans must be submitted in writing to the office of the Subdivisions and Permits Department for review by the County Engineer or such other person as the Commissioners Court shall designate to approve or reject such plan. The County Engineer or other person designated by the Commissioners Court shall accept or reject such plan as required by Local Government Code §232.007.
- c. A utility may not provide utility services, including water, sewer, gas, and electric services to a manufactured home rental community subject to infrastructure

development plan requirements until a certificate of compliance has been issued by the Commissioners Court.

- d. Minimum Standards and Submission Requirements:
  - (1.) All internal roads and associated drainage facilities shall meet the standards and specifications as adopted within the County's Subdivision Regulations.
  - (2.) All developments to be served by On-Site Sewage Facilities shall comply with 30 TAC Chapter 285 Section 285.4, "Facility Planning" and Section, 285.5, "Submittal Requirements for Planning Materials" and the "Bastrop County Rules for On-Site Sewage Facilities."
  - (3.) A drainage plan in accordance with standard engineering practices should limit discharges under fully developed conditions to an amount not to exceed pre-developed conditions.
  - (4.) Certification by the water and/or wastewater service provider that they agree to provide service; and
  - (5.) A boundary survey of the proposed development site which identifies the proposed location of all rental spaces, utility easements, drainage easements, water and wastewater lines, and floodplain boundaries.
- e. A final inspection of the completed project is required. The County Engineer or other person designated by the Commissioners Court shall inspect all roads and associated drainage structures for compliance with these minimum standards after receipt of written notification of completion. If the inspector determines that the infrastructure complies with the infrastructure development plan, the Commissioners Court shall issue a certificate of compliance as required by Local Government Code §232.007.
- f. Rental spaces may not be occupied by tenants until the Commissioners Court has issued a certificate of compliance.
- g. Fees for Infrastructure Plans for Manufactured Home Rental Communities shall be based on the total acreage or number of lots or rental spaces, whichever is greater, and shall be the same as Bastrop County Subdivision Review Fees.

## 5. CONDOMINIUMS

Chapter 82 of the Texas Property Code (also known as the Uniform Condominium Act) sets forth the requirements for the creation of a condominium development. Section 82.006 states:

*APPLICABILITY OF LOCAL ORDINANCES, REGULATIONS, AND BUILDING CODES. A zoning, subdivision, building code, or other real property use law, ordinance, or regulation may not prohibit the condominium form of ownership or impose any requirement on a condominium that it would not impose on a physically identical development under a different form of ownership. Otherwise, this chapter does not invalidate or modify any provision of any zoning, subdivision, building code, or other real property use law, ordinance, or regulation.*

In accordance with Attorney General Opinion GA-0223, Bastrop County may determine that a condominium development is a subdivision of land for which the Owner must prepare and file a plat and that Bastrop County is authorized to regulate a condominium development that constitutes a subdivision.

All internal roads and associated drainage facilities shall meet the standards and specifications as adopted within the County's Subdivision Regulations.

## SECTION VIII

### DRAINAGE REQUIREMENTS

#### 1. GENERAL

Storm water drainage systems or facilities are for conveying or allowing for passage of storm water runoff by use of streets, storm sewers, channels, culverts, bridges, swales, rivers, streams, or other facilities by which flows are accommodated. It is essential that these be designed or considered in such a manner to minimize or eliminate loss of life or property.

A preliminary drainage plan shall be required.

#### 2. RESPONSIBILITY OF APPLICANT

- a. The Applicant shall be responsible for the conveyance of all storm and flood waters flowing through or abutting the subject property. This responsibility includes the drainage directed to that property by prior development as well as the drainage naturally flowing through property by reasons of topography.
- b. Where the improvement or construction of a storm and flood water drainage facility is required along a property line common to two or more owners, the Applicant shall be responsible for all the required improvements on either side of the common property line, regardless of ownership, at the either side of the common property line, regardless of ownership, at the time of development, including the dedication by the legal owner(s) of all necessary right-of-ways or easements, to accommodate the improvements.
- c. The responsibility of the Applicant shall extend to provision of adequate off-site drainage improvements to accommodate the full effects of the development of the property. When the Applicant certifies by affidavit that a bona fide attempt to meet off-site drainage requirements has not been successful, the County may assist, at its discretion, in the acquisition of necessary property rights to provide for construction of off-site drainage improvements. The Applicant shall make adequate guarantees to stand the full cost of acquiring said property rights and shall retain full responsibility for construction of the required off-site improvements.

#### 3. DRAINAGE DESIGN CRITERIA

All hydrologic and hydraulic design shall be in accordance with *Urban Hydrology for Small Watersheds, Technical Release No. 55* as prepared by the Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture and hereinafter referred to as TR-55, and the *Hydraulic Design Manual* prepared by the Texas Department of Transportation. Notwithstanding, all designs shall be in accordance with good

engineering practices and are not to be limited to minimum criteria when it is deemed necessary for the welfare or safety of the public to implement more stringent requirements or criteria.

- a. Enclosed storm drainage improvements shall be designed to convey a 25-year frequency storm and a floodway provided to accommodate the 100-year frequency storm.
- b. Hydrologic design procedures shall conform to the following methods where appropriate and shall assume a fully developed watershed upstream of the proposed development. It may be assumed that the undeveloped area will be developed under the same regulations.
  - (1.) The Rational Method may be used for drainage areas not exceeding 400 acres. Criteria should be as defined in the *Hydraulic Design Manual*.
  - (2.) The WinTR-55 "Small Watershed Hydrology" program distributed by the NRCS may be used for drainage areas not exceeding 2,000 acres and with the criteria defined therein.
  - (3.) For drainage areas exceeding 2,000 acres, either of the following methods is acceptable:
    - (a.) "Computer Program for Project Formulation-Hydrology" distributed by NRCS through Technical Release No. 20 (WinTR-20).
    - (b.) HEC-HMS, the U.S. Army Corps of Engineers Hydraulic Engineering Center's Hydrologic Modeling System.
- c. Hydraulic design procedures shall conform to the following methods where appropriate. The methodology selected is a function of the complexity of the hydraulic design and may not be restricted to only these.
  - (1.) Manning's Equation for computing normal depths for flows confined to uniform cross-sections with free surface flow.
  - (2.) The Hydraulic Gradient Method shall be used for closed conduit systems flowing full.
  - (3.) HEC-RAS, the U.S. Army Corps of Engineers Hydrologic Engineering Center's River Analysis System will be used for non-uniform channel design or analysis and back water surface profiles.

#### 4. 100-YEAR FREQUENCY STORM

Any water course, whether natural or man-made, shall have provision to accommodate the rainfall runoff generated by a 100-year frequency storm such that there is no loss of, or be detrimental to, property or to create an undue inconvenience to the public.

- a. Delineation of the limits of areas subject to inundation by a 100-year frequency storm shall be shown on a drainage plan, preliminary plan and final plat and shall be based on detailed hydrologic and hydraulic computations prepared by a Professional Engineer or provide a study prepared or approved by federal, state and local governmental agencies.
- b. Easements shall be provided to contain areas inundated by a 100-year frequency storm along natural and man-made drainage ways and any additional width necessary to provide sufficient ingress and egress for maintenance purpose.
- c. A grading plan shall be prepared for each urban subdivision, by a Professional Engineer, and show in sufficient detail grading of all roads, streets, drainage structures, channels, swales, or other drainage related features and provide minimum finished floor elevations, based on an acceptable elevation datum, for proposed structures to assure no inundation of such structures by the rainfall runoff by a 100-year frequency storm. All buildings shall be a minimum of two foot above the water surface elevation generated by a 100-year frequency storm.

## 5. DRAINAGE STRUCTURES

- a. All drainage structures shall be designed to convey the 25-year frequency storm and in such a manner that no ponding, pooling, erosion, sedimentation, or other adverse condition would be created.
- b. All bridges shall be designed to convey a 100-year frequency storm. The water surface profile elevation shall not exceed the bottom of the “low steel” or “low beam” of a bridge structure.
- c. All culverts shall be designed to convey the 25-year frequency storm, and the headwater surface elevation shall not exceed the minimum road surface elevation. The headwater depth for a 100-year frequency storm shall not exceed one foot over the minimum roadway surface elevation.
- d. Open channels shall meet the criteria of NCRS Technical Release No. 25 (TR-25) *Design of Open Channels* and shall be constructed in accordance with one of the design methods. Design of channels shall consider velocities and shall be shaped, graded, lined, or protected to minimize or prevent scour and erosion from excessive velocities. This requirement shall extend to roadside drainage ditches. Concrete or rock retards shall be used when velocities exceed four feet per second with sandy soil conditions or five feet per second with clay soil conditions. All channels or roadside drainage ditches without a protective lining shall have an established vegetative or grass cover. The depth of the 100-year frequency storm runoff shall not exceed one foot over the minimum roadway surface elevation.
- e. Closed conduits or storm sewers shall be designed to a 25-year frequency storm and provisions made to accommodate a 100-year frequency storm runoff. The

25-year hydraulic grade line shall be at or below the gutter line and shall in no case surcharge back through an inlet or inlets. All storm sewers, inlets, manholes or junctions shall be designed in accordance to TxDOT hydraulic criteria.

- f. Headwalls, wing-walls, ditch checks, inlets or other drainage structures shall be designed in accordance with TxDOT criteria.

## 6. STORM WATER DETENTION

Storm water detention facilities shall be required when it is determined that adverse downstream flooding would occur due to a proposed development. The facilities shall be designed in accordance with TR-55 or by other approved methods.

## SECTION IX

### STREET DESIGN STANDARDS

#### 1. DESIGN STANDARDS

Design standards, unless specifically identified, shall be standards that are found in common usage by the Texas Department of Transportation. Design guidelines shall conform to the formulae, principles, and guidelines set forth in *A Policy on Geometric Design of Highways and Streets*, latest edition, as developed by the American Association of State Highway and Transportation Officials (AASHTO).

#### 2. ROADWAY CLASSIFICATIONS

Roadways shall be classified based on the criteria established in *A Policy on Geometric Design of Highways and Streets*. For the purposes of these Regulations, roadways shall be designed to handle the average daily traffic (ADT) estimated to occur for a period of 20 years following completion of construction of the roadway, with the pavement sections and widths required to accommodate the design ADT at the applicable speed limits adopted by the County. At a minimum, pavement sections and widths shall conform to the suggested minimum requirements established by AASHTO for the specified classification of roadway. Roadways shall also be classified under Texas Transportation Code Chapter 251.

a. Principal Arterials provide a high degree of mobility by serving travel between major destinations or activity centers, as well as long distance travel that goes through or bypasses an area. They are designed to minimize travel time by providing high posted speed limit, offering physical separation from other roadways and limiting access points. Principal Arterials shall meet the following requirements.

- (1.) In order to promote the movement of traffic on arterial streets, the spacing of signalized street intersections on major roads shall not be less than 2,600 feet unless approved by the Commissioners Court. In general, the spacing of street intersections along an arterial shall not be less than 1,300 feet, unless sight-distance or topography dictates a lesser street spacing.

Medians may be required along major roads where street intersection spacing is less than 1,300 feet, or driveway spacing is less than 200 feet. Median breaks shall be located at intersections with arterials, collectors, industrial streets, and driveways to major traffic generators.

- (2.) Required right-of-way and pavement widths shall be based on projected traffic volumes and street capacity as detailed in a traffic study prepared by a qualified traffic engineer and approved by the Commissioners Court.

(3.) Geometric design shall conform to the formulas, principals, and guidelines of *A Policy on Geometric Design of Highways and Streets*. All elements including geometric layouts and cross-sections shall be approved by the County Engineer on a case by case basis.

- b. Minor Arterials are intended to connect traffic into and between the principal arterial system and serve trips of moderate length by connecting smaller geographic areas. While they provide slightly less mobility than Principal Arterials, overall they are characterized by relatively high travel speeds and low interference from cross traffic.

Minor Arterials shall be extended to adjacent undeveloped property as determined by the Commissioners Court upon consideration of future circulation needs of the area

- c. Collectors provide a balance between mobility and access, primarily serving to collect traffic from local roads and provide connections to Arterials. Collectors usually serve moderate traffic volumes. There are typically few discernible differences between collectors and local roads within a neighborhood because they provide access to adjacent residential and nonresidential lots. Collectors should be designed with the most favorable alignment and cross section practical.

Collectors shall be extended to adjacent undeveloped property as determined by the Commissioners Court upon consideration of future circulation roads of the area.

- d. Local roads and streets are any public road/street not designated as a major thoroughfare, freeway, or highway and not situated within the existing and/or planned pattern of streets in a manner to cause it to function as a collector. A local road/street should provide access to adjacent land over short distances. A local road/street primarily serves traffic within a neighborhood or limited residential district and is not continuous through several residential districts. The layout of residential streets shall consider the natural topography and deliberately discourage through traffic in neighborhoods. Local roads and streets make up the bulk of the transportation system in terms of mileage.

The Commissioners Court may require that residential streets be stubbed out to adjacent undeveloped property in order to provide adequate circulation to adjacent tracts and ensure emergency ingress/egress.

- e. Industrial streets are planned to provide vehicular access to industrial lots.

Industrial streets shall be required to extend to adjacent undeveloped property as determined by the Commissioners Court upon consideration of future industrial developments and protection of future residential areas from truck traffic.

### 3. DESIGN REQUIREMENTS

Table IX.3. below summarizes roadway design requirements based on the roadway classification.

**Table IX.3. Design Requirements Based on Roadway Classification**

Functional Classification	Local Road		Rural Collector	Urban Collector	Industrial Street	Minor Arterial	Principal Arterial
	Rural or Suburban Subdivision	Urban Subdivision					
AASHTO Classification	Local Rural Road	Local Urban Street	Rural Collector	Rural Collector	Special Purpose	Rural Arterial	Rural Arterial
ADT (one-way trips)	< 1,000	< 1,000	1,000-4,999	1,000-4,999	< 5,000	5,000–14,999	15,000 +
Design Speed	30 MPH	30 MPH	35 MPH	35 MPH	40 MPH	45 MPH	55 MPH
No. of Travel Lanes	2	2	2	2	2	2	All elements shall be approved by the County Engineer on a case-by-case basis.
Tum Lanes	No	No	No	No	No	Yes	
Minimum ROW Width	60'	50'	80'	60'	80'	80'	
Width of Pavement	24'	30'	32'	30'	44'	44'	
Width of Shoulders	2'	N/A	4'	N/A	N/A	4'	
Curb & Gutter Required	No	Yes	No	Yes	Yes	No	
Sidewalk Required	No	5' on one side	No	8' on one side	5' on one side may be required	No	
Minimum Centerline Radius	300'	300'	400'	400'	500'	650'	
Min. Tangent Length between Reverse or Compound Curves	100'	50'	150'	100'	150'	300'	
Min. Tangent Length between a Curve and Intersecting Road	100'	50'	150'	60'	150'	70'	
Min. Radius for Edge of Pavement at Intersections	25'	25'	25'	25'	35'	35'	
Intersection Street Angle Range (degrees)	80-100	80-100	80-100	80-100	80-100	80-100	
Maximum Grade	10%	10%	9%	9%	9%	8%	
Min. Stopping Sight Distance	250'	200'	250'	250'	305'	360'	
Min. Intersection Sight Distance	300'	300'	390'	390'	445'	500'	
Ditch Foreslope Grade	4H:1V	N/A	4H:1V	N/A	N/A	4H:1V	
Ditch Backslope Grade	3H:1V	N/A	3H:1V	N/A	N/A	3H:1V	
Min. Cul-de-sac Pavement Radius/ROW	40'/60'	40'/50'	45'/70'	40'/60'	60'/80'	N/A	N/A

**Notes:**

- 1) Deviation from these requirements shall be the subject of an approved variance.
- 2) ADT shall be based on an average of 10 one-way trips per dwelling unit per day for residential lots. ADT calculations for commercial or other lots shall be approved by the County Engineer on a case-by-case basis.
- 3) The slope percentages shown may be exceeded for occasional short runs (not to exceed 300 feet) between intersections, but may not be exceeded through intersections.

### 4. ROAD GRADES

- a. Minimum cross slope grade shall be 2%.
- b. Approach grades on an intersecting street should be limited to 3% for at least 50 feet unless sight distances are in excess of the AASHTO design guideline minimum for stopping on a grade level, in which case the approach grades should not be greater than 6%.

## 5. ROADSIDE DRAINAGE

- a. The minimum grade for roadside drainage ditches shall be 0.5%.
- b. Roadside Design Details
  - (1.) Roadside design details include rock retards, riprap retards, entrance and exit structures for culverts, special design roadside ditches, retaining walls, etc.
  - (2.) Rock or riprap retards shall be used to control the erosive characteristics of drainage in roadside ditches per Section VIII. Retards shall be designed to reduce drainage water velocity to an acceptable level and to prevent drainage water from encroaching on the driving surface. Retards shall not project onto shoulder surfaces and shall blend into ditch lines so that normal roadside ditch maintenance is possible.
  - (3.) Headwalls, catch basins or other culvert structures shall be designed in accordance with the drainage requirements of these specifications using TxDOT's Typical Construction Details. No headwall, wing-wall or other structural member shall protrude above the surface of the traveled roadway. Flush headwalls at 3H:1V maximum slope are preferred for any culverts parallel to streets such as those at driveways, etc.
  - (4.) All special design of roadside ditches, retaining wall, etc., requires the specific approval of the County.
  - (5.) Intersections of Curbed Streets with Uncurbed Streets

Curbed to uncurbed street intersections shall be designed with appropriate concern for the interfacing of the differing drainage systems.

- (a.) Where a curbed street intersects a continuing uncurbed street, standard curb and gutter shall terminate at the property line or as necessary to allow drainage from the curbed street to enter the uncurbed street bar ditch without erosion to shoulder areas. Concrete riprap or mortared rock riprap may be required to protect the shoulder area.
- (b.) Where an uncurbed street intersects a continuing curbed street, the curb line shall be cut and removed and a standard urban curb return

designed into the uncurbed street with the curb face at the ditch centerline of the uncurbed street. A concrete riprap transition shall be constructed to convey drainage out of or into the uncurbed ditch line. The concrete riprap transition may be eliminated for discharge into the uncurbed street from the curbed street if transition grades are less than 2% or if an inlet is located within 100 feet of the intersection. For drainage from uncurbed street into the curbed street, for grades less than 5% on the uncurbed street, two ditch checks at ten feet and 30 feet from end of curb return may be used in lieu of riprap transition.

- (c.) Care shall be taken in the installation to match existing pavement. Curbed street crown will be full crown (unless cross spilling) to at least 50 feet from curb end to assure flow of drainage enters bar ditch.
- (d.) For a curbed street discharging into uncurbed street, surface drainage that has been carried by the curb and gutter from a point more than 200 feet distance from the intersection with the uncurbed street shall be removed by the use of inlets draining to the drainage pipe required at the intersection so as not to interrupt the flow of drainage in the bar ditch of the uncurbed street.

## 6. DESIGN CHARACTERISTICS

### a. Design Speed

Design speeds are shown in Table IX.3. by roadway classification for use with the design guidelines .

### b. Vertical Alignment

- (1.) Changes in grades of over 0.8% shall be connected by vertical curves.
- (2.) Vertical Curves: Minimum length (L) of vertical curves shall be 100 feet or shall conform to the formula:

$$L = KA \text{ (whichever is greater)}$$

Where A is the algebraic difference in the tangent approach grades expressed as a whole number, and K is established in accordance with the Design Guidelines “Geometric Design for Local Roads and Streets”, for sag and crest vertical curves, with credit given to the use of proper street lighting.

- (3.) Special consideration shall be given to streets where the horizontal alignment, overhead obstructions, or the presence of cross traffic or other natural or man-made conditions exist such that stopping sight distance

would become the controlling parameter as it relates to the determination of a minimum length of vertical curve.

c. Horizontal Alignment

- (1.) Minimum centerline radii and minimum tangents between reverse curves are shown in Table IX.3.
- (2.) Increased radius may be required where the street grades, street cuts, or other natural or man-made obstacles limit stopping sight distance on the curve to below that required by the design speed.
- (3.) Superelevation may be used to control surface drainage and centrifugal forces, but not to reduce the minimum centerline radius.
- (4.) Design for horizontal curves including stopping sight distance and superelevation shall conform to the formula, principles, and guidelines of AASHTO's *A Policy on Geometric Design of Highways and Streets*.

7. COUNTY AND STATE HIGHWAYS

Provisions shall be made for the extension or widening of county roads and state highways, where required by the Commissioners Court, in order to protect the safety and welfare of the public.

8. PAVEMENT DESIGN

The developer shall submit pavement designs prepared by a Professional Engineer of the State of Texas using generally accepted analytical methods based on soil type, traffic loading and a 20 year minimum design life.

9. MAJOR STRUCTURES AND BRIDGES

Design of structures shall conform to the TxDOT's *Standard Specifications for Construction of Highways, Streets and Bridges*, latest edition.

Bridge design loading and widths for residential roads shall conform to TxDOT design, or as directed by the County. Structures of this nature require the specific approval of the County.

## SECTION X

### STREET NAMES AND STREET SIGNS

#### 1. STREET NAMES

Street names for new subdivision streets should be suggested by the Applicant and shall conform to the County's adopted standards. Suggested street names will be reviewed and reserved by the 9-1-1 Address Administrator for inclusion on the preliminary plan and final plat submissions. Street names are approved along with the plan/plat approval by the Commissioners Court.

#### 2. INSTALLATION OF STREET SIGNS REQUIRED

The Applicant shall install all street name signs on new streets when they are constructed in accordance with the standards and specifications of the County.

#### 3. INSTALLATION OF TRAFFIC SIGNS REQUIRED

The Applicant shall be required to install any traffic control signs or devices, in accordance with the *Texas Manual on Uniform Traffic Control Devices*, and following review by the County Engineer and/or County Commissioner.

## SECTION XI

### CONSTRUCTION DRAWINGS

#### 1. SUBMISSION REQUIRED

Detailed plans for construction of streets and drainage facilities for all subdivisions shall conform to the County construction standards and be submitted to the County Engineer for approval.

#### 2. DRAWINGS REQUIRED AND STANDARDS

##### a. General Standards

- (1.) Plans shall contain a signature block for approval by the County in addition to all other typical information found on construction plans and all other data necessary for actual construction. The County Engineer shall approve specific language for the General Notes and Special Notes.
- (2.) Plans shall also contain a print of the subdivision plat reduced to a size and a scale divisible by ten to conform to the scale of the construction drawings.
- (3.) In the case of plans submitted which include construction not located on or adjacent to the subdivision, a location map for the off-site construction shall also be included in the plans.
- (4.) Drawing features not specifically mentioned herein shall be those normally found in use by engineers designing facilities for use by TxDOT.

##### b. Street Plans

Design details for the construction of streets and drainage facilities shall conform to the requirements of these regulations and shall be of a scale ratio no larger than one inch = 50 foot horizontal and one inch = five feet vertical.

- (1.) Existing ground line and finished grade profiles shall be shown at the centerline of the right-of-way. In addition, cross-sections shall be drawn for each street. Cross-sections will be at:
  - 100 foot stations where the maximum ground slope is over 10%;
  - 200 foot where the maximum ground slope is between 10% and 5%;
  - 300 foot where the maximum ground slope is less than 5%; and
  - at points of special interest.

Alternatively, finish grade and ground line profiles shall be shown for road shoulders and for ditch lines where they vary significantly from standard and are not shown elsewhere as drainage plans.

- (2.) All existing and proposed drainage and utility appurtenances shall be shown in plan and profile.
- (3.) Typical cross-sections shall be shown for all sections of roadway having similar drainage and/or traffic carrying requirements.
- (4.) Plans showing the lines and grades in both plan and profile are required for the installation of water line in excess of 12 inches in diameter. Smaller lines may be shown in plan only if typical details are provided which will clearly show depth of bury under streets, drainage ditches and culverts, other utilities, etc.
- (5.) Plans for the installation of storm sewer and sanitary sewer lines shall show the lines and grades of said lines in both plan and profile.
- (6.) Location and installation of utilities within the same easement as drainage shall be allowed only when no other practical alternative exists. A separate utility easement, outside that required for the floodway, shall be provided wherever possible.

c. Detailed Drainage Construction Plans

- (1.) Construction plans shall be submitted for the modification of natural drainage ways, creek, or rivers; location, size, type and invert elevations of all culverts; the channelization of design storm runoff in excess of 30 cubic feet per second; the conveyance of storm runoff in storm sewer pipe; dams, and retention and detention systems.
- (2.) Drainage construction plans shall conform to drainage requirements of these specifications.
- (3.) Channel or water course cross-sections shall be included at sufficient spacing, scale and dimension to adequately determine or delineate the water surface profile, velocity, and other necessary parameters of the design flow under consideration.
- (4.) Plans shall show the design in plan and profile on the same sheet and be of a scale ratio no larger than on inch = 50 foot horizontal and one inch = five feet vertical.
- (5.) The design basis and calculations pertinent to the facility shall be included on the plan sheets or in a separate document. They shall be legible and progress clearly and logically to a conclusion.

d. Utility Plans

Plans for the installation of sanitary sewer lines, water lines, electric lines, storm sewer lines, or any other similar underground service line are required to have the approval of the incorporated governmental agencies, Texas Department of State Health Services, Lower Colorado River Authority (LCRA), water supply corporation, water district, or any other governing body having rightful jurisdiction. These plans are then to be submitted to the County for final approval of location and alignment, depth of bury, type and method of backfill, restoration of surfaces after installation, location of valves, controls of manholes and other features projecting to the surface, and other utility features which can be expected to affect the public roads and streets in the proposed subdivision as well as outside the subdivision. Review of such features shall include design details for all items covered in statutory authorities granted to Commissioners Court for control of utility installations in public roads and outside of incorporated areas. Approval of plans for the construction of utilities where no governing body claims jurisdiction will rest entirely with the County.

- (1.) Plans showing the lines and grades in both plan and profile are required for the installation of water lines in excess of 12 inches in diameter. Smaller lines may be shown in plan only if typical details are provided which will clearly show depth of bury under streets, drainage ditches and culverts, other utilities, etc.
- (2.) Plans for the installation of storm sewer and sanitary sewer lines shall show the lines and grades of said lines in both plan and profile.
- (3.) Location and installation of utilities within the same easement as drainage shall be allowed only when no other practical alternative exists. A separate utility easement, outside that required for the floodway shall be provided wherever possible.

3. EROSION CONTROL PLAN

Temporary and permanent erosion control plans shall be in accordance with the TCEQ's Erosion Control Best Management Practices and use products from TxDOT's Erosion Control Approved Products List.

4. APPROVAL

Plans shall be reviewed by the County Engineer and will be approved or returned for correction within 30 days of submission. Construction shall not commence until plans are approved.

## 5. AS-BUILT DRAWINGS

Two paper copies and an electronic copy of the “as-built” construction plans for streets and drainage shall be submitted to the County Engineer within 30 days after final inspection of the completed construction. The paper copies shall be 12” x 18” (ARCH B) or 11” x 17” (ANSI B) in size.

## SECTION XII

### SUBDIVISION INSPECTION AND RELEASE OF SECURITY

#### 1. NOTICE OF START OF CONSTRUCTION

The Applicant or his contractor shall notify the County Engineer a minimum of 48 hours prior to time of start of construction of streets and drainage in the subdivision. Start of clearing shall be defined as clearing of road right-of-way only. Any contractor working within public right-of-ways shall notify the Texas One Call Center and other utilities, as appropriate, and the County Engineer.

#### 2. PRE-CONSTRUCTION MEETING

The Applicant and/or his contractor shall request and attend a pre-construction meeting with the County Engineer and the County Commissioner. Schedule of construction and frequency and type of field inspections and source and number of field tests will be determined at this meeting. If on-site or local unprocessed base material is proposed, and/or if “density control” is specified, a representative of the Applicant’s and/or contractor’s field control lab shall also attend the preconstruction meeting.

#### 3. FIELD INSPECTIONS AND FIELD CONTROL TESTS

a. Field inspections and field control tests shall include but not be limited to the following:

(1.) Utility installation backfill and density tests as required.

(2.) Bedding and backfill of culverts and storm drains and density tests as required.

(3.) Preconstruction inspection of any on-site or local sources of base material. If directed by the County, the testing laboratory shall make site investigations at the Applicant’s expense to determine that the quantity of material expected to be produced from the source or sources meets gradation and specifications at the developer’s expense.

(4.) Alternatively, 10% of the expected quantity shall be excavated and stockpiled and test samples taken from stockpile. One sample shall be taken and tested for every 700 cubic yards or fraction thereof stockpiled. The testing laboratory shall certify that the samples selected are representative. After 50% of the quantity expected to be produced has been excavated, a second 10% stockpile shall be created and the sampling and testing procedure repeated. Test reports shall be submitted to the County Engineer. Tests and reports required by these specifications shall be at the expense of the Applicant.

- (5.) Satisfactory test reports from on-site or local sources and/or stockpiles shall not preclude rejection of material which, when placed on grade, fails to meet specification requirements.
- b. Subgrade preparation includes fills, cuts, ditch excavation and subgrade sterilization. Density tests are required in fills and other areas as determined by the County Engineer. A minimum of one density test is required for each lift of fills and for each 500 linear feet of subgrade. Approval is required prior to base placement.
  - c. Placement and compaction of base material as required. When “density control” is required, density tests shall be performed at a minimum of every five stations of the final lift and at least five additional locations per mile of road for each lift placed. Required density tests shall be taken by an approved testing laboratory with copies furnished to the County prior to paving. The contractor shall provide at least five days’ notice to the County for approval of base to allow time for any County tests of density and/or thickness. Approval can be obtained in 24 hours provided the contractor has notified the County at start of base placement and has provided his scheduled for completion. Deficiencies found shall be corrected before any pavement is placed.
  - d. Pavement of roads and streets as required. The contractor shall notify the County at least 24 hours prior to start of paving after base is approved. He shall provide any required data on pavement mixes, tests to be performed, etc., at least five days prior to start paving. Pavement placement and consolidation may be inspected at the option of the County.

#### 4. FINAL INSPECTION

The Applicant shall request final inspection in writing. Inspection shall be performed by an inspector qualified and approved by the Court. The County shall make the requested inspection no later than ten days following the receipt of the written request. A written “punch list” listing all deficiencies noted on the final inspection and uncorrected deficiencies from previous field inspections, shall be provided to the Applicant and his contractor within five days following the final inspection.

#### 5. PARTIAL APPROVAL

Unless prior arrangement has been approved by the County Engineer and the County Commissioner, no partial acceptance will be approved. In any case, partial acceptance shall be allowed only after consideration of access, drainage, and other matters related to the well-being and safety of the public.

## 6. CORRECTION OF DEFECTS

Defects noted during final inspection shall be corrected within 30 days. Written request for re-inspection for correction of defects will be required unless specifically waived by the County Engineer.

## 7. FULL COMPLETION REQUIRED FOR RELEASE

Release from the full obligation of the Construction Bond or other Construction Security except as noted for partial/periodic reduction of construction security, shall not be granted until the entire subdivision has been inspected and found acceptable by the County Engineer and the County Commissioner, and has been approved for release by the Commissioners Court. The County shall have full rights to require construction under the terms of the Maintenance Bond obligation for any portion of streets or drainage facilities accepted under partial completion, but the period of the Maintenance Bond obligation shall not be assumed to have started until the Commissioners Court has authorized full release of construction obligation for work completed.

## 8. RELEASE STATEMENT/FINAL ACCEPTANCE

The Commissioners Court shall authorize acceptance and shall cause to be issued a release statement, signed by the County Judge, releasing the owner and surety from further obligation under the construction bond.

## 9. PARTIAL/PERIODIC REDUCTION OF CONSTRUCTION SECURITY

Where estimated costs for construction exceed \$50,000, partial or periodic reductions of construction security may be allowed as approved by the County Engineer. Partial or periodic reductions cannot exceed 90% of the security and will be signed by the County Judge as authorized by the Commissioners Court. Requests for periodic reductions must be accompanied by certified statements of amounts paid for completed work, Professional Engineer certification of quantities of work completed and contractor's receipt of payment for work completed.

## SECTION XIII

### CONSTRUCTION BOND, MAINTENANCE BOND, OR OTHER SECURITY

#### 1. CONSTRUCTION AND MAINTENANCE BONDS

##### a. CONSTRUCTION BONDS

In order to assure that the streets, alleys, drainage ways and other public improvements are constructed in a timely manner and in accordance with the preceding specifications, the Applicant shall file a Construction Bond, executed by a Surety Company authorized to do business in this State, and made payable to the County Judge of Bastrop County, Texas, or his successors in office, in the amount of 100% of the cost of construction including drainage structures.

##### b. MAINTENANCE BONDS

In order to guarantee that streets, alleys, drainage ways and other public improvements were properly constructed and are maintained to the satisfaction of the County Engineer and the County Commissioner, in good condition for two years following approval of construction, the Applicant shall file a Maintenance Bond executed by a Surety Company authorized to do business in this State, and made payable to the County Judge of Bastrop County, Texas, or his successors in office, in the amount not to exceed 10% of the construction cost of the approved improvements.

##### c. COMBINED BONDS

The Applicant may, at his option, file a single Bond instrument in lieu of separate bond instruments, as indicated above. The amount, conditions, collection, enforceability, recovery, and release of a Combined Bond shall be the same as if separate instruments were provided.

#### 2. AMOUNT OF BONDS

- a. The amount of the bond or bonds shall not exceed the estimated cost of construction of the streets, alleys, drainage ways and other public improvements required in the development of the subdivision, or other maximum amount subsequently established by the State of Texas.
- b. Unit costs for normal road and drainage construction will be based on current costs for such work approved by the County Engineer from city, county and/or state bid results and from information provided by local suppliers. Quantities will be as shown on the construction plans provided and approved by the County Engineer. Costs of large or unusual structures, such as bridges, will be based on current costs for similar structures in the area.

### 3. FORM OF BONDS

Construction and Maintenance Bonds meeting the requirements of this Section are considered to be the standard form of fiscal security for subdivision improvements in Bastrop County..

### 4. WHEN BONDS REQUIRED

Bonds shall be filed with the Commissioners Court prior to approval of a subdivision plat for recording, or shall be provided as directed if no plat is filed.

### 5. CONSTRUCTION BONDS

#### a. Condition of Construction Bonds

The condition of the Construction Bond shall be such that the owner of the subdivision shall begin construction of the streets, alleys, drainage ways and other public improvements shown on the subdivision plat, or otherwise located as soon as possible after date of approval of the plat by the Commissioners Court, or as directed and shall prosecute and complete such construction in accordance with the foregoing specifications within a period agreed on between the Applicant and the County Engineer, not to exceed two years.

#### b. Period of Construction Bonds

The Construction Bond shall remain in full force and in effect until all the streets, alleys, drainage ways, and other public improvements in the subdivision have been completed to the satisfaction of the County Engineer and the County Commissioner or his agent and the obligation has been released by official action of the Commissioners Court.

#### c. Collection on Construction Bonds

In the event any or all of the streets and alleys are not complete and the Applicant refuses to correct the defects called to his attention in writing by the County Engineer, the unfinished improvements shall be completed at the cost and expense of obligees as provided.

### 6. MAINTENANCE BONDS

#### a. Condition of Maintenance Bonds

The condition of the Maintenance Bond shall be such that the owner shall guarantee to maintain, to the satisfaction of the County Engineer and the County Commissioner or his agent, all of the streets, alleys, drainage ways and other public improvements as shown on an approved subdivision plat, or otherwise located, which have been constructed to specifications with Construction Security released by official action of the Commissioners in a good state of repair for a

period of two years from the date of official release of Construction Security. The Maintenance Bond will bind the Applicant to maintain the newly constructed facilities and to correct any defects in materials, workmanship (including utility backfills), or design inadequacies, or damages, which may be discovered within the two-year performance period.

b. Period of Maintenance Bonds

The Maintenance Bond by its terms shall provide that liability hereunder being on any or all of the streets and alleys, drainage ways and other public improvements in the subdivision and shall remain in full force and effect for the performance period of two years thereafter from the date of the official release of the Construction Security on each street or portion thereof, by the Commissioners Court of Bastrop County, Texas.

c. Collection on Maintenance Bonds

Periodic inspection of all of the streets and alleys for which Maintenance Security is held will be made by the County Engineer during the period of liability covered by the Maintenance Bond; and in the event any or all of the streets, alleys, drainage ways and other public improvements 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 properly maintain said streets, alleys, drainage ways and other public improvements, they shall then be maintained at the cost and expense of obligees as in said orders provided.

7. ENFORCEABILITY OF BONDS

Each of said bonds shall provide that should the same be unenforceable as a statutory bond, the obligees shall be bound by their contract as a common law obligation.

8. REPEAT RECOVERY

Recovery on said Bonds shall not be limited or exhausted by one or more recoveries less than the total amount of such bonds.

9. OTHER FORMS OF SECURITY

a. Substitution of Cash Security or Irrevocable Letter of Credit in Lieu of Bond.

The Commissioners Court may accept an offer of cash or a cashier's check or Irrevocable Letter of Credit in lieu of bonds for the purpose of insuring a developer's promise to construct and maintain the streets, alleys, drainage facilities and other public improvements in a subdivision in Bastrop County. The offer of cash in lieu of Bond shall be accompanied by a completed CASH SECURITY AGREEMENT signed by the Applicant. Upon the Commissioners Court approval of the Cash Security in lieu of Bond, the County Judge shall sign the agreement.

Copies will be provided to the Applicant, County Treasurer and Bastrop County's official records.

b. Amount

If a Cash Security or Irrevocable Letter of Credit is accepted in lieu of a Bond, the amount of the security posted shall be equal to the estimated cost of construction of the streets, alleys, drainage ways and other public improvements required in development of the subdivision as determined by a Registered Professional Engineer and submitted to the County Engineer and the County Commissioner for approval.

c. Forms

Upon request, the County will provide the Cash Security Agreement form or a sample irrevocable Letter of Credit.

d. When Securities Required

Cash Security or irrevocable Letter of Credit are in lieu of Bonds and are required under the same conditions as Bonds.

e. Conditions of Cash Agreement and Irrevocable Letter of Credit

The general conditions of the Cash Security Agreement and Irrevocable Letter of Credit are the same as those stated for Construction and for Maintenance Bonds. In addition, a specific notice period is required prior to collection under various circumstances, the Period of Instruments is made negotiable, and the Letter of Credit is given a maximum time limit.

f. Period of Cash Security Agreement and Letter of Credit

Two years are allowed for construction of facilities before securities are eligible for collection. The maintenance period is two years following approval of construction with notice of release of construction security signed by the County Judge. The construction period can be extended past the normal period by mutual agreement of the Commissioners Court and the Applicant, provided this extended agreement includes an increase in the amount to cover cost increases since the date of the original agreement.

The irrevocable Letter of Credit shall be for a maximum period of three years unless extended by mutual agreement.

g. Collection of Securities

Request for collection of securities must be approved by the Commissioners Court and signed by the County Judge and, in the case of collection for construction, only after it has been determined that failure to complete

construction or correct deficiencies is not due to weather, acts of God, strikes or other reasons beyond the Applicant's control. Where collection is being considered due to failure to maintain or due to deficiencies in construction rather than failure to construct, or if for any reason, an extension of Court, a ten day notice by registered mail return receipt requested to the lender and/or developer is required before proceeding to request collection of funds to complete construction and/or maintenance.

h. Repeat Recovery

The recovery on the Cash Security Agreement or Irrevocable Letter of Credit shall not be limited or exhausted by one or more recoveries less than the total amount of cash or Letter of Credit.

## SECTION XIV

### VACATIONS OF RIGHT-OF-WAYS OR EASEMENTS

#### 1. APPLICATION

An application form will be required to initiate a request for any vacation. This form must be filled out and signed by the person(s) requesting the vacation, or their agent. The process of vacating the easement will not proceed until the fee is paid and the appropriate documents are submitted to the County.

#### 2. RIGHT-OF-WAY VACATION

The Applicant shall submit a letter to the County Engineer stating the reason for the request for vacation.

- a. The following documents may be required in order to proceed with the vacation request.
  - (1.) Approval or concurrence with the request by all adjacent and abutting property owners.
  - (2.) Letter (or standard form) from all utility companies (electric, telephone, cable, water and wastewater, gas, etc.) serving the area stating they have no need for the right-of-way requested for vacation for the installation of utilities or a sketch and field notes on any required easement to remain for utilities.
  - (3.) Sketch and field notes of the right-of-way to be vacated.
- b. The County Engineer will make a recommendation to the Commissioners Court regarding granting or denying the easement vacation. Approval or denial will be by a vote of the Commissioners Court.

#### 3. DRAINAGE EASEMENT VACATION

The Applicant shall submit a letter to the County Engineer stating the reason for the request and addressing how the storm-water flow will be accommodated if the easement is vacated.

- a. The following documents may be required in order to proceed with the vacation request.
  - (1.) Sketch and filed notes of the easement to be vacated.

- (2.) A letter of support from the owner of the property where the easement is located.
  - (3.) A letter of support from all other affected property owners.
- b. The County Engineer will make a recommendation to the Commissioners Court regarding granting or denying the easement vacation. Approval or denial will be by a vote of the Commissioners court.

#### 4. UTILITY EASEMENT VACATION REQUESTS

The Applicant shall submit a letter to the County Engineer stating the reason for the request.

- a. The following documents should be attached to the letter:
  - (1.) Letter (or standard easement release form) from the affected utility companies, stating that they agree to the release/vacation of the utility easement.
  - (2.) A letter of support from the owner of the property where the easement is located.
  - (3.) Sketch and field notes of the easement to be vacated.
- b. The County Engineer will make a recommendation to the Commissioners Court regarding granting or denying the easement vacation. Approval or denial will be by a vote of the Commissioners Court.

#### 5. OTHER VACATION REQUESTS

Vacation requests for public easements, other than drainage or utility easement, will be handled in a manner similar to the procedure for drainage and/or utility easements.

Vacation request for private easements such as: streets, access, reserves, etc. must be made to the property owner(s) who holds those private easement rights.

## SECTION XV

### FEES

1. Fees will be charged for reviewing vacation of streets and easement, preliminary plans, final plats and construction plans, and inspecting the construction of street and drainage improvements. These fees are to recover the cost of processing, reviews, on-site inspections and preparation of documents and recommendations to the Commissioners Court. These fees are not to be considered fees for the approval of a subdivision plat by the Commissioners Court. The base and minimum review fees shall be paid upon submittal of the vacation request, plan or plat to the County Engineer. Additional review fees shall be paid prior to plan or plat approval.
2. All fees for final plat, including inspection fees, shall be paid prior to final plat approval and deposited in an escrow account to be drawn upon to pay for inspections. The balance of the inspection fee remaining after final inspection shall be returned to the developer within 30 days of acceptance.
3. These fees will be reviewed annually by the Commissioners Court and adjusted to recover the cost of reviewing and inspecting subdivisions submitted to the County.

## SECTION XVI

### VARIANCES

1. The Commissioners Court may grant a variance from these regulations if an applicant requests it in writing and the County Engineer finds that, because of special circumstances applicable to the property involved, a strict application derives such property of privileges or safety enjoyed by other similarly situated property with similarly timed development. Where such conditions are found, the variance permitted shall be the minimum departure from the terms of this regulation as necessary and to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use. The Commissioners Court may not grant variance if it would provide the applicant with any special privileges not enjoyed by other similarly situated properties with similarly timed development, or if based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivides land after the adoption date of these regulations.
2. No variance shall be granted regarding bonding. Variance for engineering design and compaction tests shall not be granted except as may be determined to be an acceptable and usual engineering practice and approved by the County Engineer and the County Commissioner.
3. All variances must be based on the general intent of these regulations and deemed to be in the public interest.
4. The decision of the Commissioners Court whether to grant or deny a variance is at its complete discretion, and shall be final.

## SECTION XVII

### SEVERABILITY

If any section, subsection, sentence, clause, or phrase of these Regulations is for reason held to be unconstitutional, void, or invalid, the validity of the remaining portion of these Regulations shall not be affected thereby, it being the intent of the Commissioners Court in adopting these Regulations that no portion thereof, or provision or regulation contained herein shall become inoperative or fail by reason the unconstitutionality or invalidity of any section, subsection, sentence, clause, phrase, or provisions of these Regulations.