



NOTICE OF A PUBLIC MEETING
TOWN OF RANCHO VIEJO
PLANNING AND ZONING COMMISSION
JULY 14, 2022
9:00 A.M.

NOTICE is hereby given of a MEETING of the PLANNING AND ZONING COMMISSION of the TOWN OF RANCHO VIEJO, TEXAS, to be held on JULY 14, 2022, at 9:00 A.M., in the TOWN MUNICIPAL OFFICE, 3301 CARMEN AVENUE, RANCHO VIEJO, TEXAS to consider the following items:

This Notice and Meeting Agenda, are posted online at: www.ranchoviejotexas.com. The Agenda packet will also be posted online no less than 24 hours before the meeting.

1. Call to Order
2. Roll Call
3. Approval of Minutes – August 6, 2021
4. Public Hearing on Rezone Request by Bridget Neubauer, representative for Golf & Resorts Investments, LLC, Owner of RANCHO VIEJO - RANCHO VIEJO EL ANGEL GOLF COURSE SECTION 5-10 AND RANCHO VIEJO SEC 7 LOT 132, 142.829 AC OUT OF 144.322 AC OUT OF 146.195 AC OUT OF 149.844 AC OF 154.296 ACS, to Rezone from Recreational District to Single-Family District
5. Consideration/Action on Rezone Request by Bridget Neubauer, representative for Golf & Resorts Investments, LLC, Owner of RANCHO VIEJO - RANCHO VIEJO EL ANGEL GOLF COURSE SECTION 5-10 AND RANCHO VIEJO SEC 7 LOT 132, 142.829 AC OUT OF 144.322 AC OUT OF 146.195 AC OUT OF 149.844 AC OF 154.296 ACS, to Rezone from Recreational District to Single-Family District
6. Consideration/Discussion/Action on Recommendation to the Board of Aldermen to Amend the Town of Rancho Viejo Code of Ordinances Chapter 14 – Buildings and Buildings Regulations Article II. Technical Codes Sec. 14-21 – International residential code. The town hereby adopts the 2003 International Residential Code for one-family and two-family dwellings and all amendments thereto except as modified by Ordinance No. 3E; all amendments are adopted by reference and incorporated herein. All residential construction within the town shall be in compliance with said code. AND Sec. 14-22 – Technical codes adopted. The town hereby adopts the 2003 International Building Code, 2003 International Fire Code, 2003 International Mechanical Code, 2003 International Fuel Gas Code the 2005 National Electrical Code and all amendments thereto except as modified by Ordinance No. 3E and later amendments adopted by the board. All construction within the town shall be in compliance with said codes. AND Sec. 14-23 – Swimming pool code adopted. The town adopts the Standard Swimming Pool Code, 1985 edition, as published by the Southern Building Code Congress. The enclosure required by section 315 of said code shall comply with any ordinances, rules or regulations that the town has enacted regarding fences, to update to the 2018 version.

7. Consideration/Discussion/Action on Recommendation to the Board of Aldermen to Amend the Town of Rancho Viejo Code of Ordinances Chapter 54- Subdivisions Article III. -General Requirements and Design Standards Sec. 54-21. – Lot specification (a) No lot may be platted for residential use unless the same contains a minimum of 15,000 square feet of surface and has a minimum average width of 80 feet or more and a minimum average depth of 80 feet or more. Corner lots must be 17,400 square feet. The lot area shall be computed exclusive of all easements, except main line easements for public utilities, such as, electric, telephone and cable TV—to reduce the 15,000 square feet lot size requirement to 9,600 square feet.
8. Consideration/Discussion/Action on Recommendation to the Board of Aldermen to Amend the Town of Rancho Viejo Code of Ordinances Chapter 26 – Fire Prevention and Protection Article III. – Open Burning Sec. 26-48 – Outdoor burning prohibited. No person shall burn any wood, brush, trash, papers, rubbish or garbage out-of-doors anywhere in the town—to allow open burning for new development.
9. Adjourn



Fred Blanco, Town Administrator



State of Texas
County of Cameron
Town of Rancho Viejo

I, the undersigned authority, do hereby certify that the above NOTICE OF MEETING of the Planning and Zoning Commission of the Town of Rancho Viejo, Texas is a true and correct copy of said NOTICE, which has been posted on the Window of the Town of Rancho Viejo Municipal Office, 3301 Carmen Avenue, Rancho Viejo, Texas, a place convenient and readily accessible to the General Public, on July 1, 2022 at 5:00 P.M. and which will be continuously posted for a period of seventy-two (72) hours prior to the date and time said meeting was convened.

ATTEST:



Fred Blanco, Town Administrator

1. Call to Order

2. Roll Call

3. Approval of Minutes – August 6, 2021

TOWN OF RANCHO VIEJO
PLANNING AND ZONING COMMISSION
AUGUST 6, 2021

A Regular Meeting of the Planning and Zoning Commission of the Town of Rancho Viejo was held on August 6, 2021 at 9:00 A.M. at the Town Municipal Office, 3301 Carmen Avenue, Rancho Viejo, Texas, the same being open to the public.

1. CALL TO ORDER

The meeting was called to order by Oscar Gonzalez at 9:03 a.m.

2. ROLL CALL

Roll call was made by Eunice Salinas, Assistant Town Secretary. Members present at the meeting were:

Mr. Craig Grove

Mr. Filiberto Conde

Ms. Paulina Vega

Members Absent:

Mr. Carmine Auditore

A quorum was present at the meeting.

Town Administrator, Fred Blanco was also present in the meeting.

Those present in the audience were:

Rafael Pardi

3. APPROVAL OF MINUTES – JULY 2, 2021

Motion to approve the minutes of July 2, 2021 was made by Craig Grove, seconded by Paulina Vega and carried unanimously.

4. PUBLIC HEARING ON RECOMMENDATION TO THE BOARD OF ALDERMEN ON REQUEST BY TONY MCDERMID, REPRESENTATIVE OF GOLF AND RESORTS INVESTMENTS, LLC, OWNERS, TO APPROVE THE FINAL PLAT FOR 0.522 ACRE TRACT, OUT IF "EL DIABLO GOLF COURSE" AND DESCRIBED AS A 139.143 ACRE TRACT IN ASSUMPTION WARRANTY DEED RECORDED IN VOLUME 19067, PAGE 104, OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS AND BEING ADJACENT TO RANCHO VIEJO SUBDIVISION, SECTION 4, RECORDED IN VOLUME 26, PAGE 45, AND ADJACENT TO RANCHO VIEJO 1986 SUBDIVISION, RECORDED IN CABINET 1, SLOT 706-A, MAP RECORDS OF CAMERON COUNTY, TEXAS, LOT 1 BLOCK 1 WILL HAVE ACCESS TO CARMEN AVENUE:

Rafael Pardi asked to see the map to clarify location.

Motion to open the public hearing was made by Craig Grove, seconded by Filiberto Conde and carried unanimously.

5. CONSIDERATION/ACTION ON RECOMMENDATION TO THE BOARD OF ALDERMEN ON REQUEST BY TONY MCDERMID, REPRESENTATIVE OF GOLF AND RESORTS INVESTMENTS, LLC, OWNERS, TO APPROVE THE FINAL PLAT FOR 0.522 ACRE TRACT, OUT IF "EL DIABLO GOLF COURSE" AND DESCRIBED AS A

139.143 ACRE TRACT IN ASSUMPTION WARRANTY DEED RECORDED IN VOLUME 19067, PAGE 104, OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS AND BEING ADJACENT TO RANCHO VIEJO SUBDIVISION, SECTION 4, RECORDED IN VOLUME 26, PAGE 45, AND ADJACENT TO RANCHO VIEJO 1986 SUBDIVISION, RECORDED IN CABINET 1, SLOT 706-A, MAP RECORDS OF CAMERON COUNTY, TEXAS. LOT 1 BLOCK 1 WILL HAVE ACCESS TO CARMEN AVENUE:

Motion to recommend the final plat for 0.522 acre tract out of "El Diablo Golf Course" for approval was made by Paulina Vega, seconded by Craig Grove and carried unanimously.

6. PUBLIC HEARING ON RECOMMENDATION TO THE BOARD OF ALDERMEN ON REQUEST BY TONY MCDERMID, REPRESENTATIVE OF GOLF AND RESORTS INVESTMENTS, LLC, OWNERS, TO APPROVE THE FINAL PLAT FOR 1.433 ACRE TRACT, OUT OF "EL ANGEL GOLF COURSE" AND DESCRIBED AS A 154.488 ACRE TRACT IN ASSUMPTION WARRANTY DEED RECORDED IN VOLUME 18183, PAGE 168, OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS AND BEING ADJACENT TO RANCHO VIEJO SUBDIVISION, SECTION 7, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 26, PAGE 37, MAP RECORDS OF CAMERON COUNTY, TEXAS. LOT 1 BLOCK 1 WILL HAVE ACCESS TO TESORO AVE. AND TACO ST. LOT 2 BLOCK 1 WILL HAVE ACCESS TO TESORO AVE. AND 0.783 ACRE TRACT, OUT OF "EL ANGEL GOLF COURSE" AND DESCRIBED AS TRACT II – 50.373 ACRES IN ASSUMPTION WARRANTY DEED RECORDED IN VOLUME 18183, PAGE 168, OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS AND BEING ADJACENT TO RANCHO VIEJO SUBDIVISION, SECTION 8, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 26, PAGE 37, MAP RECORDS OF CAMERON COUNTY, TEXAS. LOT 1 BLOCK 2 WILL HAVE ACCESS TO SANTA ANA AVENUE AND TACO STREET:

There were no comments made by the public.

7. CONSIDERATION/ACTION ON RECOMMENDATION TO THE BOARD OF ALDERMEN ON REQUEST BY TONY MCDERMID, REPRESENTATIVE OF GOLF AND RESORTS INVESTMENTS, LLC, OWNERS, TO APPROVE THE FINAL PLAT FOR 1.433 ACRE TRACT, OUT OF "EL ANGEL GOLF COURSE" AND DESCRIBED AS A 154.488 ACRE TRACT IN ASSUMPTION WARRANTY DEED RECORDED IN VOLUME 18183, PAGE 168, OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS AND BEING ADJACENT TO RANCHO VIEJO SUBDIVISION, SECTION 7, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 26, PAGE 37, MAP RECORDS OF CAMERON COUNTY, TEXAS. LOT 1 BLOCK 1 WILL HAVE ACCESS TO TESORO AVE. AND TACO ST. LOT 2 BLOCK 1 WILL HAVE ACCESS TO TESORO AVENUE AND 0.783 ACRE TRACT, OUT OF "EL ANGEL GOLF COURSE" AND DESCRIBED AS TRACT II – 50.373 ACRES IN ASSUMPTION WARRANTY DEED RECORDED IN VOLUME 18183, PAGE 168, OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS AND BEING ADJACENT TO RANCHO VIEJO SUBDIVISION, SECTION 8, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 26, PAGE 37, MAP RECORDS OF CAMERON COUNTY, TEXAS. LOT 1 BLOCK 2 WILL HAVE ACCESS TO SANTA ANA AVE. AND TACO STREET:

Motion to recommend the final plat for 1.433 acre tract out of "El Angel Golf Course" and 0.783 acre tract out of "El Angel Golf Course" for approval was made by Craig Grove, seconded by Paulina Vega and carried unanimously.

8. PUBLIC HEARING ON RECOMMENDATION TO THE BOARD OF ALDERMEN ON REQUEST BY TONY MCDERMID, REPRESENTATIVE OF GOLF AND RESORTS INVESTMENTS, LLC, OWNERS, TO APPROVE THE FINAL PLAT FOR 0.816 ACRE TRACT, OUT OF "EL ANGEL GOLF COURSE" AND DESCRIBED AS A 154.488 ACRE TRACT IN ASSUMPTION WARRANTY DEED RECORDED IN VOLUME 18183, PAGE 168, OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS AND BEING ADJACENT TO RANCHO VIEJO SUBDIVISION,

SECTION 7, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 26, PAGE 37, MAP RECORDS OF CAMERON COUNTY, TEXAS. LOT 1 BLOCK 1 WILL HAVE ACCESS TO TESORO AVE. AND ENCHILADA STREET AND 0.677 ACRE TRACT, OUT OF "EL ANGEL GOLF COURSE" AND DESCRIBED AS A 154.488 ACRE TRACT IN ASSUMPTION WARRANTY DEED RECORDED IN VOLUME 18183, PAGE 168, OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS AND BEING ADJACENT TO RANCHO VIEJO SUBDIVISION, SECTION 7, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 26, PAGE 37, MAP RECORDS OF CAMERON COUNTY, TEXAS. LOT 2 BLOCK 1 WILL HAVE ACCESS TO ENCHILADA STREET:

There were no comments on the public hearing.

Motion to close the public hearing was made by Craig Grove, seconded by Paulina Vega and carried unanimously.

9. CONSIDERATION/ACTION ON RECOMMENDATION TO THE BOARD OF ALDERMEN ON REQUEST BY TONY MCDERMID, REPRESENTATIVE OF GOLF AND RESORTS INVESTMENTS, LLC, OWNERS, TO APPROVE THE FINAL PLAT FOR 0.816 ACRE TRACT, OUT OF "EL ANGEL GOLF COURSE" AND DESCRIBED AS A 154.488 ACRE TRACT IN ASSUMPTION WARRANTY DEED RECORDED IN VOLUME 18183, PAGE 168, OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS AND BEING ADJACENT TO RANCHO VIEJO SUBDIVISION, SECTION 7, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 26, PAGE 37, MAP RECORDS OF CAMERON COUNTY, TEXAS. LOT 1 BLOCK 1 WILL HAVE ACCESS TO TESORO AVE. AND ENCHILADA ST. AND 0.677 ACRE TRACT, OUT OF "EL ANGEL GOLF COURSE" AND DESCRIBED AS A 154.488 ACRE TRACT IN ASSUMPTION WARRANTY DEED RECORDED IN VOLUME 18183, PAGE 168, OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS AND BEING ADJACENT TO RANCHO VIEJO SUBDIVISION, SECTION 7, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 26, PAGE 37, MAP RECORDS OF CAMERON COUNTY, TEXAS. LOT 2 BLOCK 1 WILL HAVE ACCESS TO ENCHILADA STREET:

Motion to recommend the final plat for 0.816 acre tract out of "El Angel Golf Course" and 0.677 acre tract out of "El Angel Golf Course" for approval was made by Craig Grove, seconded by Paulina Vega and carried unanimously.

10. PUBLIC HEARING ON RECOMMENDATION TO THE BOARD OF ALDERMEN ON REQUEST BY TONY MCDERMID, REPRESENTATIVE OF GOLF AND RESORTS INVESTMENTS, LLC, OWNERS, TO APPROVE THE PRELIMINARY PLAT FOR 1.070 ACRE TRACT, OUT OF "EL ANGEL GOLF COURSE" AND DESCRIBED AS A 154.488 ACRE TRACT IN ASSUMPTION WARRANTY DEED RECORDED IN VOLUME 18183, PAGE 168, OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS AND BEING ADJACENT TO RANCHO VIEJO SUBDIVISION, SECTION 7, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 26, PAGE 37, MAP RECORDS OF CAMERON COUNTY, TEXAS. LOT 1 BLOCK 1 WILL HAVE ACCESS TO TESORO AVE. AND ENCHILADA STREET AND 0.803 ACRE TRACT, OUT OF "EL ANGEL GOLF COURSE" AND DESCRIBED AS TRACT II – 50.373 ACRES IN ASSUMPTION WARRANTY DEED RECORDED IN VOLUME 18183, PAGE 168, OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS AND BEING ADJACENT TO RANCHO VIEJO SUBDIVISION, SECTION 8, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 26, PAGE 37, MAP RECORDS OF CAMERON COUNTY, TEXAS. LOT 1 BLOCK 2 WILL HAVE ACCESS TO SANTA ANA AVENUE:

There were no comments made from the public.

11. CONSIDERATION/ACTION ON RECOMMENDATION TO THE BOARD OF ALDERMEN ON REQUEST BY TONY MCDERMID, REPRESENTATIVE OF GOLF AND RESORTS INVESTMENTS, LLC, OWNERS, TO APPROVE THE PRELIMINARY PLAT FOR 1.070 ACRE TRACT, OUT OF "EL ANGEL GOLF COURSE" AND DESCRIBED AS A 154.488 ACRE TRACT IN ASSUMPTION WARRANTY DEED RECORDED IN VOLUME 18183, PAGE 168, OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS AND BEING ADJACENT TO RANCHO VIEJO SUBDIVISION, SECTION 7, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 26, PAGE 37, MAP RECORDS OF CAMERON COUNTY, TEXAS. LOT 1 BLOCK 1 WILL HAVE ACCESS TO TESORO AVE. AND ENCHILADA STREET AND 0.803 ACRE TRACT, OUT OF "EL ANGEL GOLF COURSE" AND DESCRIBED AS TRACT II – 50.373 ACRES IN ASSUMPTION WARRANTY DEED RECORDED IN VOLUME 18183, PAGE 168, OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS AND BEING ADJACENT TO RANCHO VIEJO SUBDIVISION, SECTION 8, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 26, PAGE 37, MAP RECORDS OF CAMERON COUNTY, TEXAS. LOT 1 BLOCK 2 WILL HAVE ACCESS TO SANTA ANA AVENUE:

Motion to recommend the preliminary plat for 1.070 acre tract out of "El Angel Golf Course" and 0.803 acre tract out of "El Angel Golf Course" for approval was made by Paulina Vega, seconded by Craig Grove and carried unanimously.

12. PUBLIC HEARING ON RECOMMENDATION TO THE BOARD OF ALDERMEN ON REQUEST BY TONY MCDERMID, REPRESENTATIVE OF GOLF AND RESORTS INVESTMENTS, LLC, OWNERS, TO APPROVE THE FINAL PLAT FOR 1.070 ACRE TRACT, OUT OF "EL ANGEL GOLF COURSE" AND DESCRIBED AS A 154.488 ACRE TRACT IN ASSUMPTION WARRANTY DEED RECORDED IN VOLUME 18183, PAGE 168, OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS AND BEING ADJACENT TO RANCHO VIEJO SUBDIVISION, SECTION 7, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 26, PAGE 37, MAP RECORDS OF CAMERON COUNTY, TEXAS. LOT 1 BLOCK 1 WILL HAVE ACCESS TO TESORO AVE. AND ENCHILADA STREET AND 0.803 ACRE TRACT, OUT OF "EL ANGEL GOLF COURSE" AND DESCRIBED AS TRACT II – 50.373 ACRES IN ASSUMPTION WARRANTY DEED RECORDED IN VOLUME 18183, PAGE 168, OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS AND BEING ADJACENT TO RANCHO VIEJO SUBDIVISION, SECTION 8, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 26, PAGE 37, MAP RECORDS OF CAMERON COUNTY, TEXAS. LOT 1 BLOCK 2 WILL HAVE ACCESS TO SANTA ANA AVENUE:

There were no comments made by the public.

13. CONSIDERATION/ACTION ON RECOMMENDATION TO THE BOARD OF ALDERMEN ON REQUEST BY TONY MCDERMID, REPRESENTATIVE OF GOLF AND RESORTS INVESTMENTS, LLC, OWNERS, TO APPROVE THE FINAL PLAT FOR 1.070 ACRE TRACT, OUT OF "EL ANGEL GOLF COURSE" AND DESCRIBED AS A 154.488 ACRE TRACT IN ASSUMPTION WARRANTY DEED RECORDED IN VOLUME 18183, PAGE 168, OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS AND BEING ADJACENT TO RANCHO VIEJO SUBDIVISION, SECTION 7, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 26, PAGE 37, MAP RECORDS OF CAMERON COUNTY, TEXAS. LOT 1 BLOCK 1 WILL HAVE ACCESS TO TESORO AVE. AND ENCHILADA STREET AND 0.803 ACRE TRACT, OUT OF "EL ANGEL GOLF COURSE" AND DESCRIBED AS TRACT II – 50.373 ACRES IN ASSUMPTION WARRANTY DEED RECORDED IN VOLUME 18183, PAGE 168, OFFICIAL RECORDS OF CAMERON COUNTY, TEXAS AND BEING ADJACENT TO RANCHO VIEJO SUBDIVISION, SECTION 8, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 26, PAGE 37, MAP RECORDS OF CAMERON COUNTY, TEXAS. LOT 1 BLOCK 2 WILL HAVE ACCESS TO SANTA ANA AVENUE:

Motion to recommend the final plat for 1.070 acre tract out of "El Angel Golf Course" and 0.803 acre tract out of "El Angel Golf Course" for approval was made by Craig Grove, seconded by Filiberto Conde and carried unanimously.

14. PUBLIC HEARING ON RECOMMENDATION TO THE BOARD OF ALDERMEN ON REQUEST BY MR. STEVEN PUTEGNAT AND SANDRA L. PUTEGNAT, OWNERS, TO APPROVE THE PRELIMINARY PLAT FOR LOTS 8 AND 9, BLOCK 2, RANCHO NUEVO SUBDIVISION, PHASE 1, IN THE TOWN OF RANCHO VIEJO, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN CABINET 1, SLOTS 2718-A AND B, MAP RECORDS OF CAMERON COUNTY, TEXAS, TO REPLAT 2 LOTS INTO 1. LOT 9A BLOCK 2 WILL HAVE DIRECT ACCESS TO JACKLYN CIRCLE:

There were no public comments.

15. CONSIDERATION/ACTION ON RECOMMENDATION TO THE BOARD OF ALDERMEN ON REQUEST BY MR. STEVEN PUTEGNAT AND SANDRA L. PUTEGNAT, OWNERS, TO APPROVE THE PRELIMINARY PLAT FOR LOTS 8 AND 9, BLOCK 2, RANCHO NUEVO SUBDIVISION, PHASE 1, IN THE TOWN OF RANCHO VIEJO, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN CABINET 1, SLOTS 2718-A AND B, MAP RECORDS OF CAMERON COUNTY, TEXAS, TO REPLAT 2 LOTS INTO 1 LOT 9A BLOCK 2 WILL HAVE DIRECT ACCESS TO JACKLYN CIRCLE:

Motion to recommend the preliminary plat for Lots 8 and 9 Block 2 Rancho Nuevo for approval was made by Craig Grove, seconded by Filiberto Conde and carried unanimously.

16. PUBLIC HEARING ON RECOMMENDATION TO THE BOARD OF ALDERMEN ON REQUEST BY MR. STEVEN PUTEGNAT AND SANDRA L. PUTEGNAT, OWNERS, TO APPROVE THE FINAL PLAT FOR LOTS 8 AND 9, BLOCK 2, RANCHO NUEVO SUBDIVISION, PHASE 1, IN THE TOWN OF RANCHO VIEJO, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN CABINET 1, SLOTS 2718-A AND B, MAP RECORDS OF CAMERON COUNTY, TEXAS, TO REPLAT 2 LOTS INTO 1 LOT 9A BLOCK 2 WILL HAVE DIRECT ACCESS TO JACKLYN CIRCLE:

There were no public comments.

17. CONSIDERATION/ACTION ON RECOMMENDATION TO THE BOARD OF ALDERMEN ON REQUEST BY MR. STEVEN PUTEGNAT AND SANDRA L. PUTEGNAT, OWNERS, TO APPROVE THE FINAL PLAT FOR LOTS 8 AND 9, BLOCK 2, RANCHO NUEVO SUBDIVISION, PHASE 1, IN THE TOWN OF RANCHO VIEJO, CAMERON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN CABINET 1, SLOTS 2718-A AND B, MAP RECORDS OF CAMERON COUNTY, TEXAS, TO REPLAT 2 LOTS INTO 1 LOT 9A BLOCK 2 WILL HAVE DIRECT ACCESS TO JACKLYN CIRCLE.

Motion to recommend the final replat for Lots 8 and 9 Block 2 Rancho Nuevo to become Lot 9A Block 2 Rancho Nuevo for approval was made by Craig Grove, seconded by Filiberto Conde and carried unanimously.

18. DISCUSSION/ACTION ON RECOMMENDATION TO THE BOARD OF ALDERMEN TO AMEND THE TOWN OF RANCHO VIEJO CODE OF ORDINANCES CHAPTER 70 – ARTICLE II ZONING DISTRICTS- DIVISION 5. - "C" MULTIPLE-FAMILY DWELLING, APARTMENTS, TOWNHOUSES AND CONDOMINIUMS DISTRICT– TO ADD SECTIONS TO INCLUDE ENCLOSED GARAGES AND MINIMUM LIVING AREA:

Town Administrator Fred Blanco noted that the ordinance amendment was a recommendation from the Building Committee. Building Committee member Marcos Ricoy and Town Inspector Brent Cannon explained the reason for the amendment request in more detail.

Motion to recommend the ordinance amendment for approval was made by Craig Grove, seconded by Paulina Vega and carried unanimously.

19. ADJOURN:

Chairman Oscar Gonzalez wanted to go on record with his inquiry to Rancho Viejo Club representative Bridget Neubauer regarding the old golf course land and how it would be maintained. There was no further discussion.

Motion to adjourn the meeting at 9:26 a.m. was made by Craig Grove, seconded by Paulina Vega and carried unanimously.

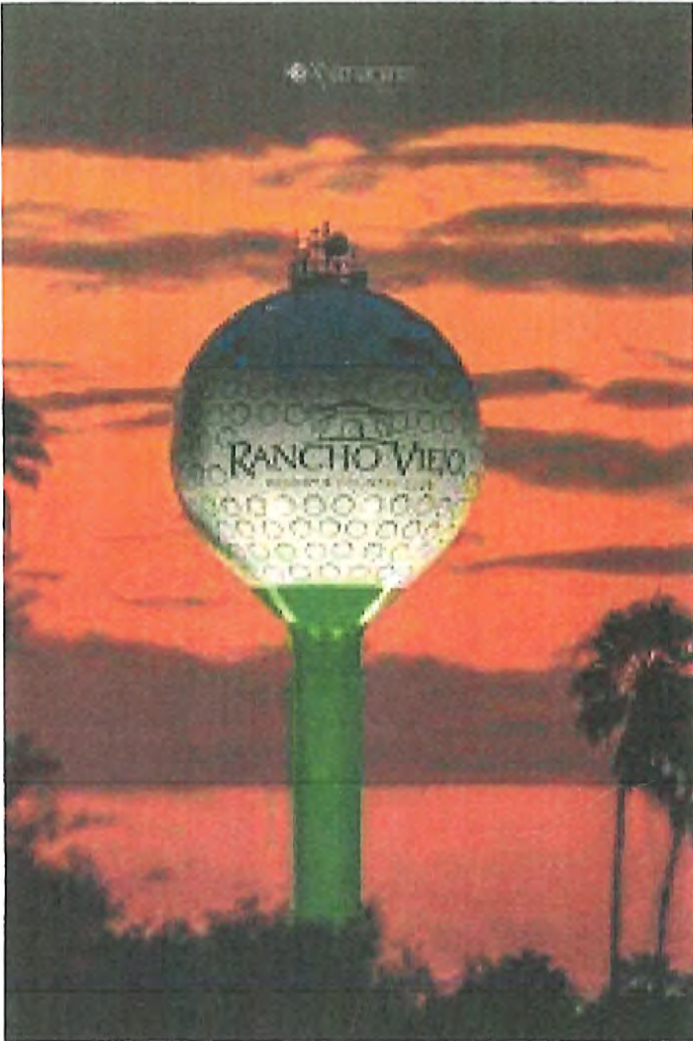
BY: _____
Fred Blanco, Town Administrator

APPROVED: _____
Oscar Gonzalez, Chairman

DATE: _____

4. Public Hearing on Rezone
Request by Bridget Neubauer,
representative for Golf &
Resorts Investments, LLC,
Owner of RANCHO VIEJO -
RANCHO VIEJO EL ANGEL GOLF
COURSE SECTION 5-10 AND
RANCHO VIEJO SEC 7 LOT 132,
142.829 AC OUT OF 144.322 AC
OUT OF 146.195 AC OUT OF
149.844 AC OF 154.296 ACS, to
Rezone from Recreational
District to Single-Family District

Golf & Resorts Investments Zoning Change Request



Proposed zoning change for the property ID# 96109 previously called The Angel Golf Course owned by Golf and Resorts Investments LLC

Bridget Neubauer

Golf & Resorts Investment LLC Request for Zoning Change

Golf and Resorts Investments LLC hereafter to be referred to as the *Club*, want to formally propose a change in zoning status for the abandoned Angel Golf Course, geographical ID# 96109, from Recreational to residential. This area has not been utilized for recreational purposes in many years and has become difficult to maintain in its present condition. The *Club* has concentrated its efforts on other areas of the enterprise buildings and the Diablo Course. Even through Covid the *Club* was able to keep its doors open. And thanks in large part to dedicated staff and *Club* members it continues to thrive. But Old Angel must be addressed.

The city of Rancho Viejo is geographically landlocked with little growth potential. However, the acreage associated with Old Angel is available for growth. The first step is to rezone it all. Then sell it in segments or in total to investors financially capable of developing these areas. Some of the areas near the highway may lend themselves to commercial or multifamily but that decision is up to the new Developer. It is not economically feasible for the *Club* to act as a Developer. Their concentration is on protecting the viability of the *Club* and continuing to add value to the properties of Rancho Viejo.

This will have many positive benefits for the city including.

- A) increased housing potential
- B) increased tax base
- C) removal of an eyesore
- D) highest and best use of the property

I understand some residents continue to think Angel will reopen as a golf course, maybe under new ownership. I assure you that is not going to happen!

The Rio Grande Valley and this area in particular are expecting a large increase in population and rise in advanced skill jobs in the near future. We all have an opportunity to participate in this growth if we are ready. Truly this is the first step towards positioning Rancho Viejo to accept that future.

Golf and Investments LLC is requesting a change in zoning for the remainder of the property with the Geographic designation as 96109. That property was previously a Golf Course but has laid dormant for several years.

It **cannot** be resurrected as a Golf Course and there is not enough support to maintain it as such. Currently there are only 275 residents of Rancho Viejo that belong to the Club out of a population of 2500. Only 13 people of the roughly 300 residents contiguous with proposed area are members. That lack of support makes maintaining barren ground impossible.

The highest and best use of the land is development as in residential. The Town of Rancho Viejo is landlocked and surrounded by Brownsville having no new areas for growth. Establishing this property as residential will allow for controlled growth. Rancho Viejo has very strict subdivision rules that insure separation of homes and green space for the residents. As a conservative estimate this growth will add a Million dollars to the City budget and to VMUD for development.

This change is important to Golf and Investments to continue to maintain their contribution to the beauty of the Town and add positively to the home values here.

There have been many lots change from recreational to residential over the last few years. Before that time there were numerous additions.

Recent zoning changes are:

Santa Ana lakes	8 lots
El Angel Subdivisions no.1, 2 and 3	7 lots
Condo/ Townhomes 101 Escandon	5 lots
El Diablo Subdivision	3 lots
Margaritas Subdivision	7 lots
Lot 1 Blk 1 Tesoro Subdivision	2 lots
900 Villa	1 lot
996 Villa	1 lot
1716 Santa Ana	1 lot
	35 lots



Year: 2022

Locate: 96109



Map

Details

Results



Willow Dr

Villa Blvd

Avenida Tesoro

Carmen Ave

Alvarado Ave

RANCHO VIEJO

Rancho Viejo Resort & Country Club

Avenida Balboa

Avenida Santa Ana

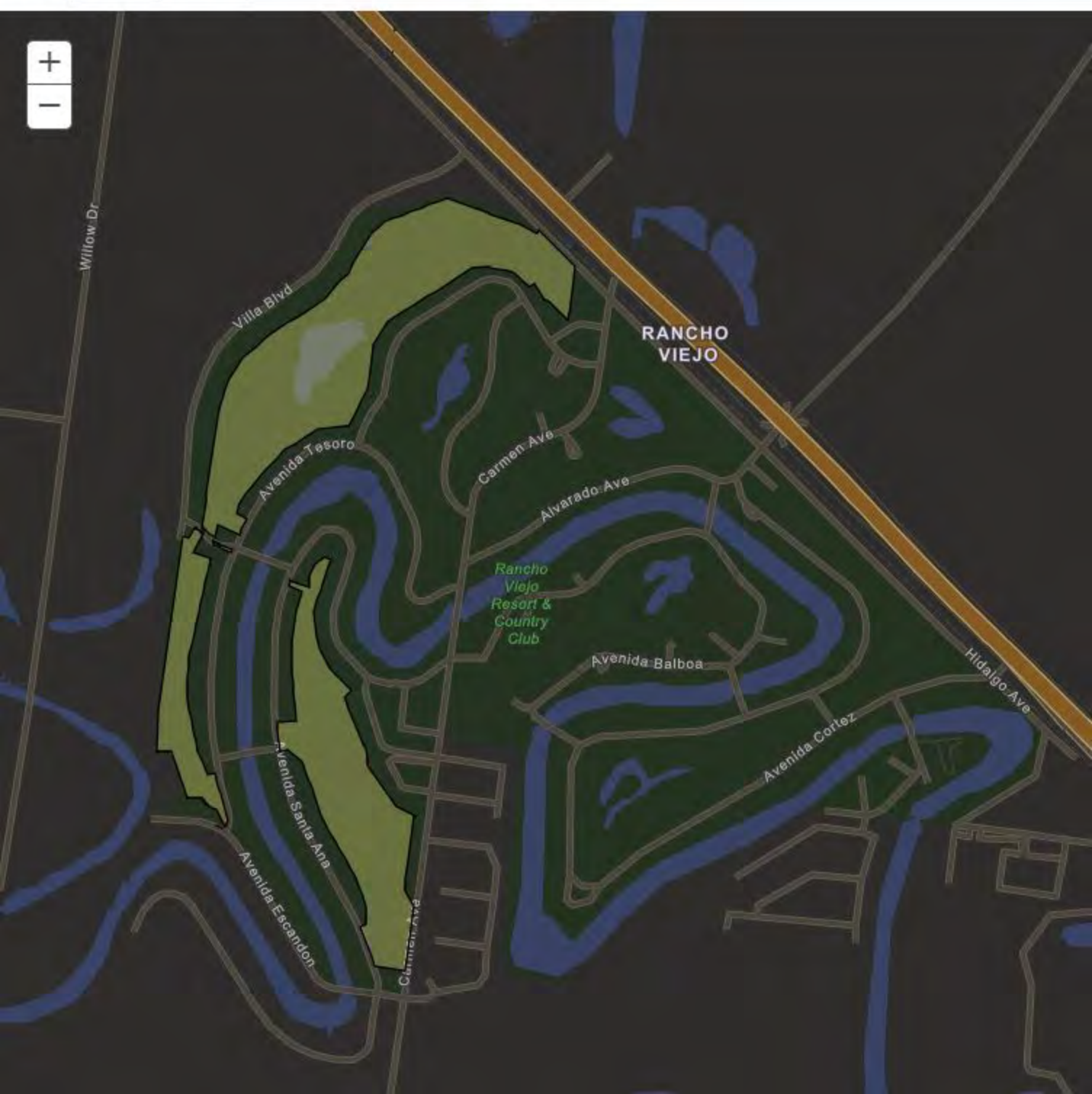
Avenida Escandon

Carmen Ave

Avenida Cortez

Hidalgo Ave





Year: 2021 ▾ Locate: 96109

Map

Details

Results

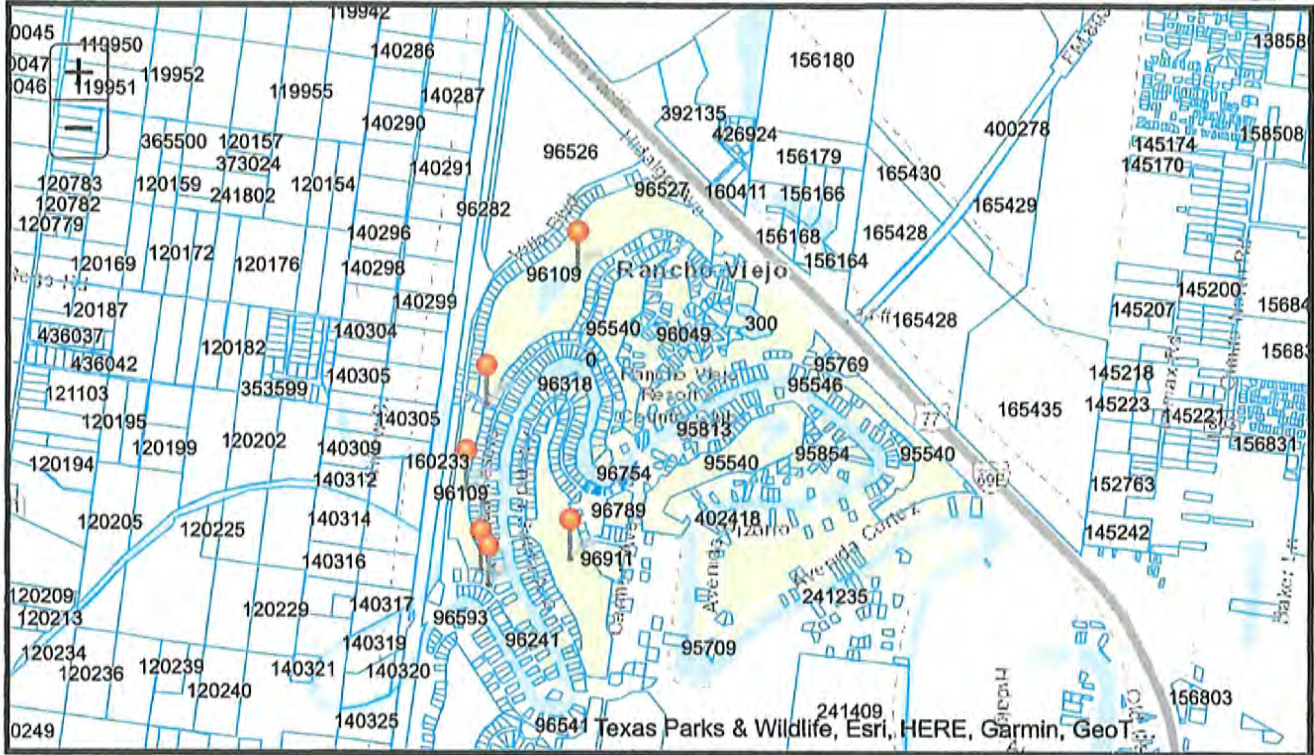


Online GIS Map Disclaimer: This product is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The Cameron Appraisal District expressly disclaims any and all liability in connection herewith.

Property Data Disclaimer: All information contained herein, is considered in the public domain and is distributed without warranty of any kind, implied, expressed or statutory. The Cameron Appraisal District makes no claims, promises or guarantees about the accuracy, completeness, or adequacy of this information and expressly disclaims liability for any errors and omissions. Appraisal year 2018 and prior have been certified. Information relating to appraisal year 2019 should be considered a "work in progress".

Cameron Appraisal District

Property ID: **96109** for Year: **2021**



2021 Account Information

Property ID: 96109 Legal Description: RANCHO VIEJO - RANCHO VIEJO EL ANGEL GOLF COURSE SECTION 5-10 AND RANCHO VIEJO SEC 7 LOT 132, 149.844 AC OUT OF 154.296 ACS
Geo ID: 52-0050-0050-9010-00 Zoning: C
Type: Real Agent Code:
Category Cd: F1 Category:
Jurisdictions: IBR, SST, CRV, SBN, GCC, STS, SV2, CAD, TR1A, TBN1

Location

Address: ESCANDON/SANTA ANA RANCHO VIEJO, TX Map ID: 09-03-00
Neighborhood Cd: 520050 Neighborhood: conv neighborhood

2021 Owner Information

Owner Name: GOLF & RESORTS INVESTMENTS LLC Owner ID: 567413
Mailing Address: 1 Rancho Viejo Dr Ownership: 100.0000%
Rancho Viejo, TX 78575-9740
Exemptions:

Cameron CAD

Property Search Results > 96109 GOLF & RESORTS INVESTMENTS LLC for Year 2022

Tax Year: 2022 - Values not available

Property

Account

Property ID:	96109	Legal Description:	RANCHO VIEJO - RANCHO VIEJO EL ANGEL GOLF COURSE SECTION 5-10 AND RANCHO VIEJO SEC 7 LOT 132, 142.829 AC OUT OF 144.322 AC OUT OF 146.195 AC OUT OF 149.844 AC OF 154.296 ACS
Geographic ID:	52-0050-0050-9010-00	Zoning:	C
Type:	Real	Agent Code:	
Property Use Code:			
Property Use Description:			

Location

Address:	ESCANDON/SANTA ANA RANCHO VIEJO, TX	Mapsc0:	BR0300B
Neighborhood:	conv neighborhood	Map ID:	09-03-00
Neighborhood CD:	520050		

Owner

Name:	GOLF & RESORTS INVESTMENTS LLC	Owner ID:	567413
Mailing Address:	1 Rancho Viejo Dr Rancho Viejo, TX 78575-9740	% Ownership:	100.0000000000%
		Exemptions:	

Values

(+) Improvement Homesite Value:	+	N/A	
(+) Improvement Non-Homesite Value:	+	N/A	
(+) Land Homesite Value:	+	N/A	
(+) Land Non-Homesite Value:	+	N/A	Ag / Timber Use Value
(+) Agricultural Market Valuation:	+	N/A	N/A
(+) Timber Market Valuation:	+	N/A	N/A

(=) Market Value:	=	N/A	
(-) Ag or Timber Use Value Reduction:	-	N/A	

(=) Appraised Value:	=	N/A	
(-) HS Cap:	-	N/A	

(=) Assessed Value:	=	N/A	

Taxing Jurisdiction

Owner: GOLF & RESORTS INVESTMENTS LLC
 % Ownership: 100.0000000000%
 Total Value: N/A

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax
CAD	CENTRAL APPRAISAL DISTRICT	N/A	N/A	N/A	N/A

CRV	TOWN OF RANCHO VIEJO	N/A	N/A	N/A	N/A
GCC	CAMERON COUNTY	N/A	N/A	N/A	N/A
IBR	BROWNSVILLE C.I.S.D	N/A	N/A	N/A	N/A
SBN	BROWNSVILLE NAVIGATION DISTRICT	N/A	N/A	N/A	N/A
SST	SOUTH TEXAS I.S.D	N/A	N/A	N/A	N/A
STS	TEXAS SOUTHMOST COLLEGE DISTRICT	N/A	N/A	N/A	N/A
SV2	VALLEY MUD #2	N/A	N/A	N/A	N/A
TBN1	SBN - TAX INCREMENT ZONE 1	N/A	N/A	N/A	N/A
TR1A	C.C. Regional Mobility Authority - TIRZ #1 A	N/A	N/A	N/A	N/A
Total Tax Rate:		N/A			
				Taxes w/Current Exemptions:	N/A
				Taxes w/o Exemptions:	N/A

Improvement / Building

Improvement #1: Commercial State Code: F1 Living Area: sqft Value: N/A					
Type	Description	Class CD	Exterior Wall	Year Built	SQFT
TM3	STORAGE MASONRY 3	*		1984	424.0
PF3	OPEN-PORCH FRAME 3	*		1984	528.0
CCD	CONCRETE DRIVE	*		2005	308.0

Improvement #2: Commercial State Code: F1 Living Area: sqft Value: N/A					
Type	Description	Class CD	Exterior Wall	Year Built	SQFT
TM1	STORAGE MASONRY 1	*		2005	224.0
PF1	OPEN-PORCH FRAME 1	*		2005	32.0
PF1	OPEN-PORCH FRAME 1	*		2005	32.0

Land

#	Type	Description	Acres	Sqft	Eff Front	Eff Depth	Market Value	Prod. Value
1	COMM	COMMERCIAL	9.0000	392040.00	0.00	0.00	N/A	N/A
2	COMM	COMMERCIAL	9.0000	392040.00	0.00	0.00	N/A	N/A

Roll Value History

Year	Improvements	Land Market	Ag Valuation	Appraised	HS Cap	Assessed
2022	N/A	N/A	N/A	N/A	N/A	N/A
2021	\$4,948	\$691,200	0	696,148	\$0	\$696,148
2020	\$4,948	\$691,200	0	696,148	\$0	\$696,148
2019	\$10,954	\$691,200	0	702,154	\$0	\$702,154
2018	\$10,954	\$691,200	0	702,154	\$0	\$702,154
2017	\$10,954	\$691,200	0	702,154	\$0	\$702,154
2016	\$10,954	\$691,200	0	702,154	\$0	\$702,154
2015	\$10,954	\$1,116,000	0	1,126,954	\$0	\$1,126,954
2014	\$10,954	\$1,116,000	0	1,126,954	\$0	\$1,126,954
2013	\$10,954	\$1,116,000	0	1,126,954	\$0	\$1,126,954
2012	\$10,954	\$1,116,000	0	1,126,954	\$0	\$1,126,954
2011	\$10,954	\$1,116,000	0	1,126,954	\$0	\$1,126,954
2010	\$10,954	\$1,116,000	0	1,126,954	\$0	\$1,126,954
2009	\$10,954	\$1,116,000	0	1,126,954	\$0	\$1,126,954
2008	\$10,954	\$1,116,000	0	1,126,954	\$0	\$1,126,954

2021 Property Valuation (ID: 96109)

Improvement Homesite:		\$0		
Improvement Non-Homesite:	(+)	\$4,948		
Improvement Value:	=	\$4,948		
Land Homesite:		\$0		
Land Non-Homesite:	(+)	\$691,200		
Agricultural Market:	(+)	\$0	Ag. Use:	\$0
Land Value:	=	\$691,200		
Market Value:	=	\$696,148		
Ag-Use Reduction:	(-)	\$0		
Appraised Value:	(=)	\$696,148		
HS Capped Value:	(-)	\$0		
Assessed Value::	(=)	\$696,148		

2021 Taxing Jurisdictions (ID: 96109)

Entity	Description	Tax Rate	Appraised Value	Taxable Value	Estimated Tax	Tax Ceiling
CRV	TOWN OF RANCHO VIEJO	0.450000	\$696,148	\$696,148	\$3,132.66	
GCC	CAMERON COUNTY	0.436893	\$696,148	\$696,148	\$3,041.42	
IBR	BROWNSVILLE C.I.S.D	1.175000	\$696,148	\$696,148	\$8,179.74	
SBN	BROWNSVILLE NAVIGATION DISTRICT	0.029955	\$696,148	\$696,148	\$208.53	
SST	SOUTH TEXAS I.S.D	0.049200	\$696,148	\$696,148	\$342.50	
STS	TEXAS SOUTHMOST COLLEGE DISTRICT	0.154635	\$696,148	\$696,148	\$1,076.49	
SV2	VALLEY MUD #2	0.350000	\$696,148	\$696,148	\$2,436.52	
				Total:	\$18,417.86	

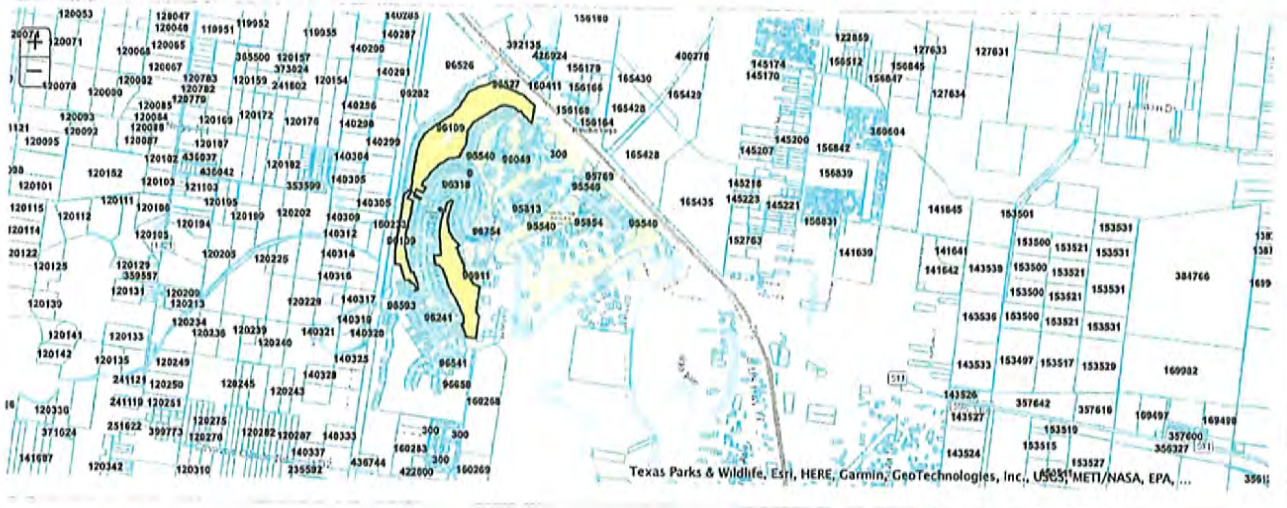
2021 Improvements/Building (ID: 96109)

Seg #: 1	State Code: F1	Living Area: 0	Value: \$4,138		
Type	Description	Class	Exterior	Yr Built	SqFt
TM3	STORAGE MASONRY 3	*		1984	424
PF3	OPEN-PORCH FRAME 3	*		1984	528
CCD	CONCRETE DRIVE	*		2005	308
TM1	STORAGE MASONRY 1	*		2005	224
PF1	OPEN-PORCH FRAME 1	*		2005	32
PF1	OPEN-PORCH FRAME 1	*		2005	32
Seg #: 2	State Code: F1	Living Area: 0	Value: \$810		
Type	Description	Class	Exterior	Yr Built	SqFt
TM3	STORAGE MASONRY 3	*		1984	424
PF3	OPEN-PORCH FRAME 3	*		1984	528
CCD	CONCRETE DRIVE	*		2005	308
TM1	STORAGE MASONRY 1	*		2005	224
PF1	OPEN-PORCH FRAME 1	*		2005	32
PF1	OPEN-PORCH FRAME 1	*		2005	32

2021 Land Segments (ID: 96109)

Type	Description	Acres	SqFt	Front	Depth	Value	Ag Value
COMM	COMMERCIAL	9.0000	392,040.00	0.00	0.00	\$432,000	\$0
COMM	COMMERCIAL	9.0000	392,040.00	0.00	0.00	\$259,200	\$0
		18.0000	784,080.00			\$691,200	\$0

Map Details Results



5. Consideration/Action on
Rezone Request by Bridget
Neubauer, representative for
Golf & Resorts Investments, LLC,
Owner of RANCHO VIEJO -
RANCHO VIEJO EL ANGEL GOLF
COURSE SECTION 5-10 AND
RANCHO VIEJO SEC 7 LOT 132,
142.829 AC OUT OF 144.322 AC
OUT OF 146.195 AC OUT OF
149.844 AC OF 154.296 ACS, to
Rezone from Recreational
District to Single-Family District

6. Consideration/Discussion/Action on Recommendation to the Board of Aldermen to Amend the Town of Rancho Viejo Code of Ordinances Chapter 14 – Buildings and Buildings Regulations Article II. Technical Codes Sec. 14-21 – International residential code. The town hereby adopts the 2003 International Residential Code for one-family and two-family dwellings and all amendments thereto except as modified by Ordinance No. 3E; all amendments are adopted by reference and incorporated herein. All residential construction within the town shall be in compliance with said code. AND Sec. 14-22 – Technical codes adopted. The town hereby adopts the 2003 International Building Code, 2003 International Fire Code, 2003 International Mechanical Code, 2003 International Fuel Gas Code the 2005 National Electrical Code and all amendments thereto except as modified by Ordinance No. 3E and later amendments adopted by the board. All construction within the town shall be in compliance with said codes. AND Sec. 14-23 – Swimming pool code adopted. The town adopts the Standard Swimming Pool Code, 1985 edition, as published by the Southern Building Code Congress. The enclosure required by section 315 of said code shall comply with any ordinances, rules or regulations that the town has enacted regarding fences, to update to the 2018 version.

ARTICLE II. - TECHNICAL CODES

Footnotes:

--- (2) ---

State Law reference— *National Electrical Code applicable statewide for residential construction, V.T.C.A., Local Government Code § 214.214.*

Sec. 14-21. - International residential code.

The town hereby adopts the 2003 International Residential Code for one-family and two-family dwellings and all amendments thereto except as modified by Ordinance No. 3E; all amendments are adopted by reference and incorporated herein. All residential construction within the town shall be in compliance with said code.

(Ord. No. 3H, § 1, 7-13-2004)

State Law reference— International Residential Code is municipal residential building code statewide, V.T.C.A., Local Government Code § 214.212.

Sec. 14-22. - Technical codes adopted.

The town hereby adopts the 2003 International Building Code, 2003 International Fire Code, 2003 International Mechanical Code, 2003 International Fuel Gas Code the 2005 National Electrical Code and all amendments thereto except as modified by Ordinance No. 3E and later amendments adopted by the board. All construction within the town shall be in compliance with said codes.

(Ord. No. 3I, § 1, 2-8-2005)

Sec. 14-23. - Swimming pool code adopted.

The town adopts the Standard Swimming Pool Code, 1985 edition, as published by the Southern Building Code Congress. The enclosure required by section 315 of said code shall comply with any ordinances, rules or regulations that the town has enacted regarding fences.

(Ord. No. 60, § 1, 10-27-1987)

Secs. 14-24—14-49. - Reserved.

7. Consideration/Discussion/Action on Recommendation to the Board of Aldermen to Amend the Town of Rancho Viejo Code of Ordinances Chapter 54- Subdivisions Article III. -General Requirements and Design Standards Sec. 54-21. – Lot specification (a) No lot may be platted for residential use unless the same contains a minimum of 15,000 square feet of surface and has a minimum average width of 80 feet or more and a minimum average depth of 80 feet or more. Corner lots must be 17,400 square feet. The lot area shall be computed exclusive of all easements, except main line easements for public utilities, such as, electric, telephone and cable TV—to reduce the 15,000 square feet lot size requirement to 9,600 square feet.

RECEIVED
APR 22 2022

BY: 

Anthony De Ponce, Developer Associate:
Cordillera, LLC

April 22nd, 2022

Subject: Request to Convene Strategic Committee to Consider a Subdivision Ordinance Amendment

To: Fred Blanco, Town Administrator
Town of Rancho Viejo, TX 78575

Dear Mr. Blanco:

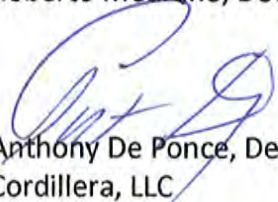
In accordance to action by the Board of Aldermen at their regular meeting on April 12th I hereby request that the Strategic Committee be convened in May (we request that the meeting date be between May 24th and 26th) for the following purpose: to consider a proposal to amend the current Subdivision Ordinance and rendering a recommendation to the Planning and Zoning Commission for proper processing. Please receive this letter as our official request to present and pursue a discussion through the proper channels, and eventual consider and action by the Board of Aldermen to amend the current Subdivision Ordinance. We stand ready and eager to start this effort as soon as possible. Please let me know if there's anything else to do on our part prior to the start of the process.

As always, thank you very much for your assistance in this effort.

Sincerely,



Roberto Medrano, Developer Coordinator



Anthony De Ponce, Developer Associate
Cordillera, LLC

Xc: Mayor Maribel Guerrero, Town of Rancho Viejo, TX
File

Good Evening Madam Chairwoman and Members of the Strategic Committee:

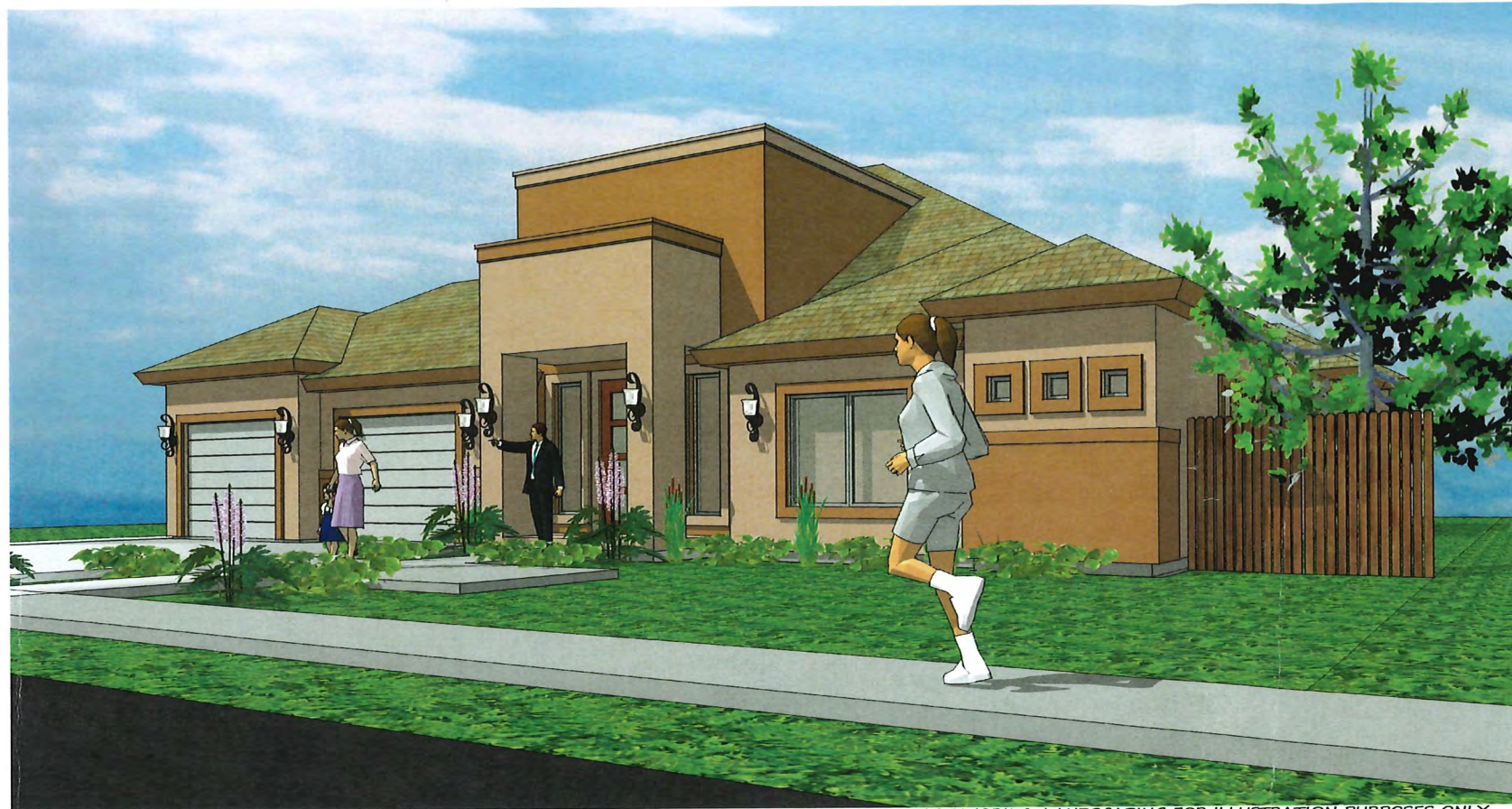
Currently, the town's subdivision ordinance requires 15,000 square foot lots. However, the current housing market does not support a product of that nature. The time that it would take to fully develop a 15,000 square lot subdivision would be a long-drawn-out endeavor---one that cannot be afforded---Las Haciendas subdivision is a case in point.

We request to reduce the current subdivision ordinance's 15,000 square foot lot requirement to 9,600 square foot lots. The development of single-family residential lots will have a significant and positive impact on our town. Using some assumptions, a house with a value of \$250,000 on a 9,600 lot, which is the lot size and price trending around Rancho Viejo, would bring in \$1,015 per year in property taxes. A survey performed of properties available for possible annexation into our town show that 225 to 250 homes could easily be built in a relatively short time. If 225 homes were to be built, our town's tax rolls will increase by \$228,000 per year; this amounts to about 20% of the town's current budget---this figure does not include commercial development and the taxes it would produce.

There are landowners that could be enticed to annex their property into Rancho Viejo with an attractive amendment to our subdivision ordinance such as what is being proposed today. There are properties within the Town's ETJ that fit the latter description. Please note that the development of the south and north areas of Rancho Viejo, whether in the town's limits or outside its limits, will occur, these are market forces at work and these forces are here. To reiterate, Rancho Viejo is in a position it has not been in before, in its history. The decisions untaken by our leaders in the next few months will define our town's economic well-being for generations to come.

The value that covenants bring to a community can make an enormous difference to a town. It is not a novel idea. There are areas in our town that have covenants and restrictions and this tool has maintained the town's unique character. We propose that whatever property is annexed into Rancho Viejo in the future be required to add covenants and restrictions to their subdivisions that will maintain Rancho Viejo's character.

We respectfully ask that the Strategic Committee render a favorable recommendation to the Planning and Zoning Commission to amend the current subdivision ordinance. The reasoning at the base of this request is that the housing market trend is favoring lots measuring 9,600 square feet, or less. We feel that we can make a strong case to the Planning and Zoning Commission to justify 9,600 square foot lots. Thank you.



ART WORK & LANDSCAPING FOR ILLUSTRATION PURPOSES ONLY

■ **MODEL:**
SANTA MARGARITA
TOTAL AREA: 3,350.00 SF

CRAFTING THE VISION BY CREATIVA



LAS HACIENDAS AT RANCHO VIEJO
SUBDIVISION PHASE II



ART WORK & LANDSCAPING FOR ILLUSTRATION PURPOSES ONLY



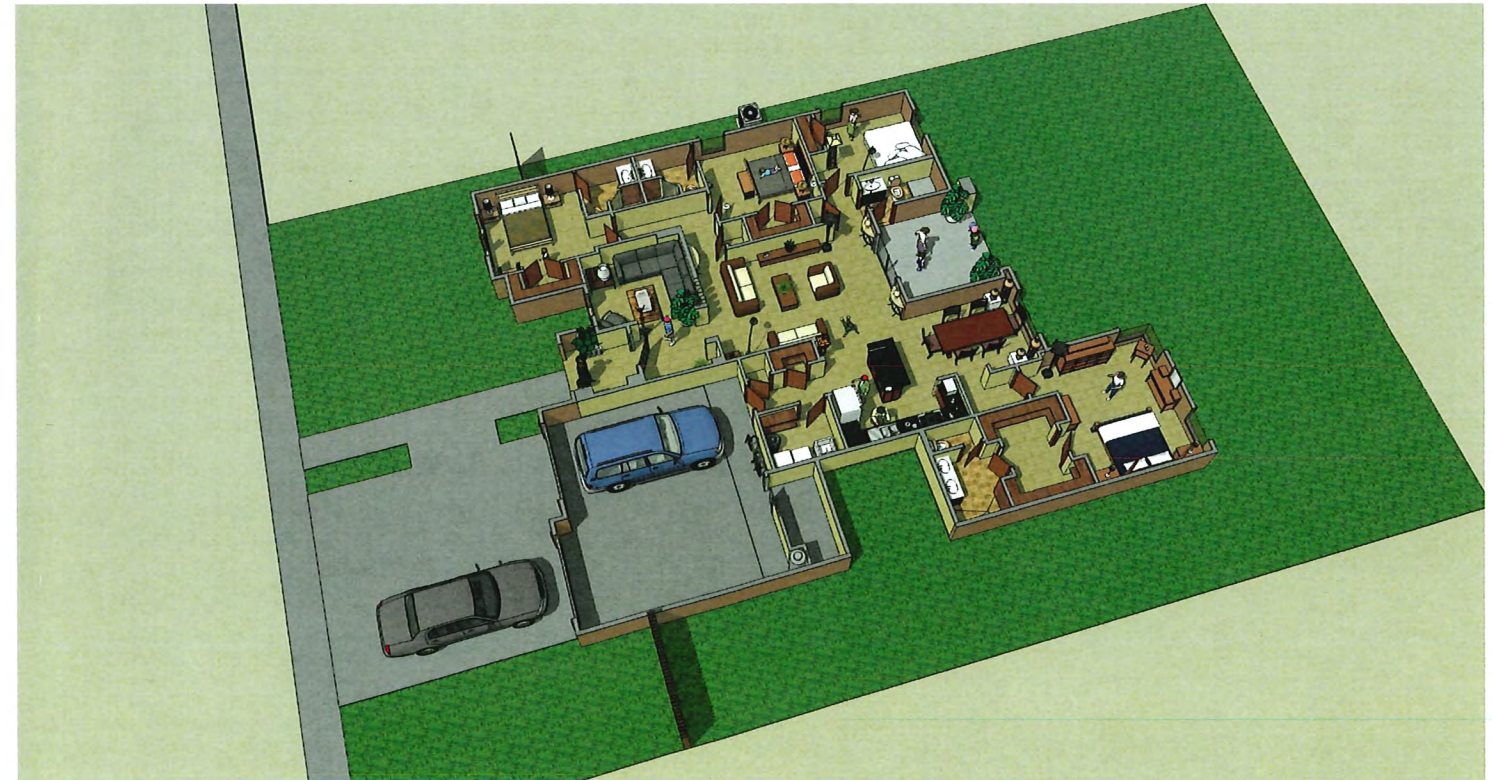
ART WORK & LANDSCAPING FOR ILLUSTRATION PURPOSES ONLY

■ **MODEL:**
SANTA MARIA
TOTAL AREA: 3,500.00 SF

CRAFTING THE VISION BY CREATIVA



LAS HACIENDAS AT RANCHO VIEJO
SUBDIVISION PHASE II



ART WORK & LANDSCAPING FOR ILLUSTRATION PURPOSES ONLY



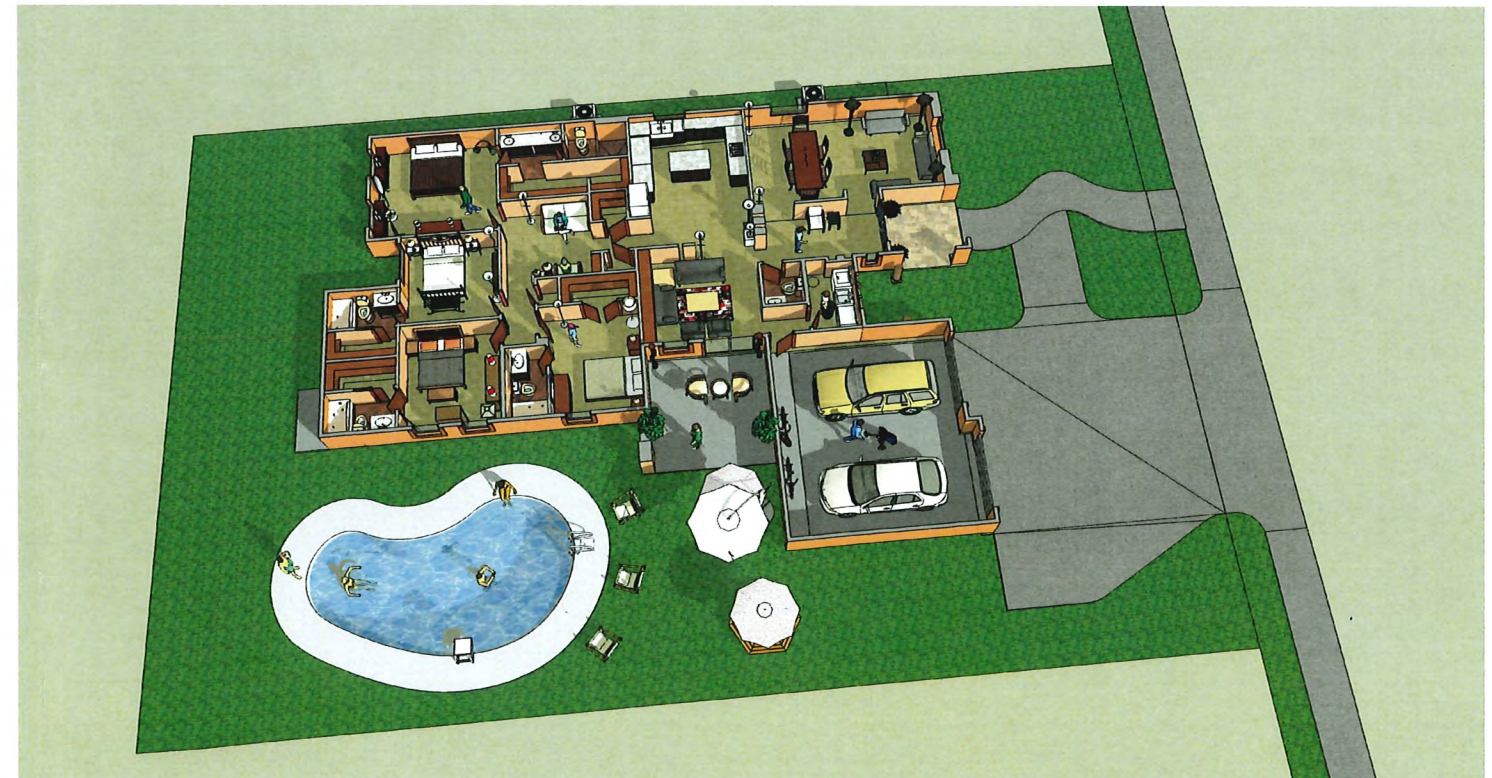
ART WORK & LANDSCAPING FOR ILLUSTRATION PURPOSES ONLY

■ **MODEL:**
SANTA ALICIA
TOTAL AREA: 3,400.00 SF

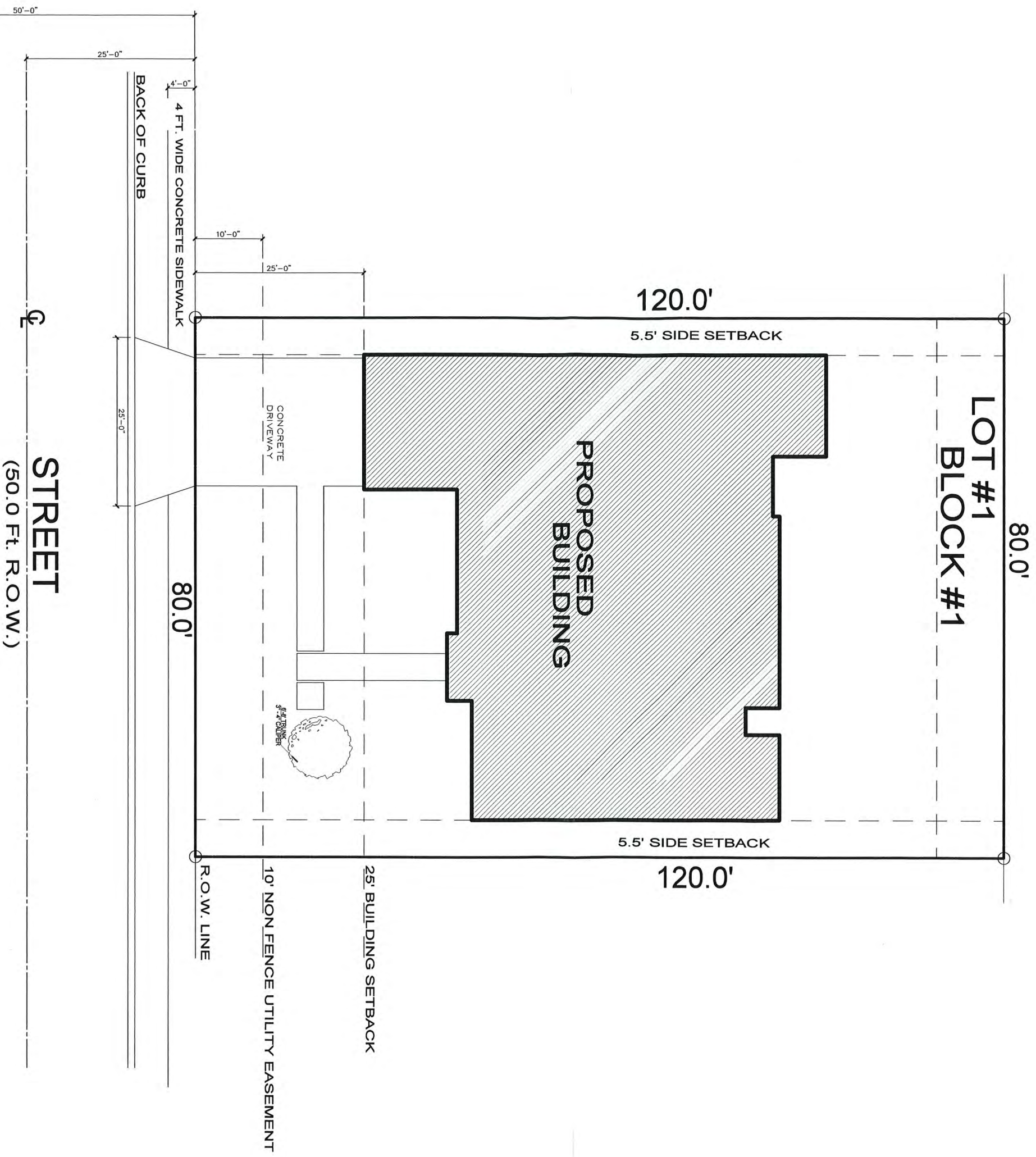
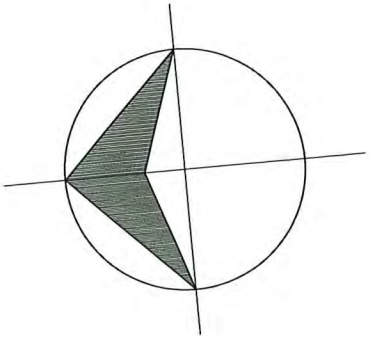
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**LAS HACIENDAS**
AT RANCHO VIEJO

LAS HACIENDAS AT RANCHO VIEJO
SUBDIVISION PHASE II



ART WORK & LANDSCAPING FOR ILLUSTRATION PURPOSES ONLY



TYPICAL LOT 9,600.00 SF



LAS HACIENDAS AT RANCHO VIEJO SUBDIVISION PHASE II

8. Consideration/Discussion/Action on Recommendation to the Board of Aldermen to Amend the Town of Rancho Viejo Code of Ordinances Chapter 26 – Fire Prevention and Protection Article III. – Open Burning Sec. 26-48 – Outdoor burning prohibited. No person shall burn any wood, brush, trash, papers, rubbish or garbage out-of-doors anywhere in the town—to allow open burning for new development.

RECEIVED
APR 22 2022
BY: *[Signature]*

Anthony De Ponce, Developer Associate:
Rancho Viejo Estates, LP

April 22nd, 2022

Mr. Fred Blanco, Town Administrator
3301 Carmen Ave.
Rancho Viejo, TX 78575

Amend R.M.

Subject: Petition to Adopt a Burn Ordinance, Request to be Placed on the May Strategic Meeting

Mr. Blanco:

In accordance to action by the Board of Aldermen at their regular meeting on April 12th I hereby request that the attached petition be introduced to the Strategic Committee in May for proper processing and eventual consideration by the Board of Aldermen at their regular June meeting. Attached you will find information respectfully submitted as backup to proposed agenda item. The information includes a cover letter explaining the need for such an ordinance in Rancho Viejo, and parts of a document related to our specific request, authored by the Texas Commission on Environmental Quality. We trust that the information is complete and sufficient for the Strategic Committee and Board of Aldermen to consider and act accordingly. Please note, if you discover that more information is needed, please let me know as soon as possible and we will respond immediately. Please let me know if you have any questions or need further information. Thanks for your consideration and time.

Sincerely,

Roberto Medrano

Roberto Medrano, Developer Coordinator
Acting in behave of Anthony De Ponce, Developer Associate

[Signature]

Anthony De Ponce, Developer Associate

Xc: Maribel Guerrero, Mayor, Town of Rancho Viejo, TX
File

Good Evening Madam Chairwoman and Members of the Strategic Committee:

Thank you for convening to give us the opportunity to present a very important proposal. This proposal is a request for the adoption of a burn ordinance in our town. In particular, the adoption of a burn ordinance will facilitate the development of a tract of land of 22 acres located at the northeast corner of US Highway 1732 and Carmen Ave. However, additionally, it will enable the development of property at the northeast section of town, and property seeking to annex into Rancho Viejo in the future. The opportunity for our town is enormous. If these ideas are brought to fruition, our town's tax rolls stand to be positively impacted in a very significant way not seen before.

In 2018 the 22 acres described above were annexed into Rancho Viejo. The annexation, of course, was an indication that the Board of Aldermen adopted a policy of town growth. However, in order to develop a tract of land a developer needs to have the proper tools in order to achieve its goal. Part of those tools is the permissibility, and ability, to burn the cleared vegetation. The burning of the vegetation allows the developer to expedite a development project while keeping the cost competitive. Other methods of disposing cleared vegetation, such as hauling away, or chipping, are cost prohibitive that are very likely to render a project a failure.

On April 12th the Board of Aldermen accepted our request to be heard concerning a proposed burn ordinance but requested the proposal is processed through the proper channels, which is reason for our presence today. We share the town's concerns about allowing burning in general. Allowing general burning could lead to accidents, nuisances, and health hazards to Rancho Viejo residents. Our request is to allow burning of vegetation that has been cleared for the purpose of developing land into housing and commercial properties. We propose that burning be done in accordance to methods established by the state's Texas Commission on Environmental Quality (TCEQ). Attached you will find pages from the publication entitled Outdoor Burning In Texas (RG-049, Revised February 2015) that pertain to our current burning needs; please access the following link to view the full publication:

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwjAwYGfrJ_3AhXbl2oFHV1CAbMQFnoECAoQAQ&url=https%3A%2F%2Fwww.tceq.texas.gov%2Fgoto%2Frg-049&usg=AOvVaw15MJ52dYrsbRemPk5kqSJ. The TCEQ requires that an application be submitted to their office for review and approval. If all requisites cannot be met by the applicant, a burn permit WILL NOT be issued, period. Additionally, the publication calls for notification of the Fire Prevention Office (in our case, the City of Brownsville) concerning the day and time of the burn as part of the burning process.

Today we ask the Strategic Committee to decide on a favorable recommendation to the Board of Aldermen to adopt a burn ordinance. Doing so will mark an important time for Rancho Viejo in which its economic well-being will be vastly improved. The 22 acres being considered today will be developed in the near future, the only question that remains is whether the tract will be developed as part of Rancho Viejo or county property. Please note that Mr. De Ponce's livelihood is developing land, this is how he provides for his family. A denial of a burn ordinance

will result in the need to return the 22 acres to the county jurisdiction in order to proceed forward. If this was to occur Rancho Viejo will miss out on a tremendous economic opportunity. Thank you very much for your consideration.

Outdoor Burning in Texas

Field Operations

Texas
Commission on
Environmental
Quality





Texas Commission on Environmental Quality

Bryan W. Shaw, Ph.D., P.E., *Chairman*

Toby Baker, *Commissioner*

Zak Covar, *Commissioner*

Richard A. Hyde, P.E., *Executive Director*

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Published and distributed
by the
Texas Commission on Environmental Quality
P.O. Box 13087
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 printed on recycled paper using vegetable-based ink.



Introduction

This guide helps interpret the revised Outdoor Burning Rule, Title 30, Texas Administrative Code, Sections 111.201–221,¹ for the general public, the regulated community, and responsible state and local officials.

This document covers all aspects of the outdoor burning rule, including:

- exceptions that allow outdoor burning
- general requirements for allowing outdoor burning
- notification requirements for allowable outdoor burning

At the end of various sections, common questions relating to the material in the section are answered.

State and local officials may find Appendixes C and D to be particularly useful. They contain a copy of the rule itself and background information for each of its sections.

This guide is not a substitute for the actual rule. A current copy of the rule can be obtained from the TCEQ by calling 512-239-0028, or online at <www.tceq.texas.gov/rules>.

Limitations of This Guide

This document does not include requirements of other government agencies. Local ordinances and governmental entities may restrict when, where, how, and if individuals and organizations can conduct outdoor burning.

Some municipalities have enacted local ordinances that prohibit or restrict outdoor fires within their corporate limits. Residents should always check with municipal officials about possible limitations on outdoor burning so they do not unintentionally violate an existing ordinance.

During extreme fire danger, governmental units may ban outdoor burning to help prevent possibly disastrous wildfires. A county judge and county commissioners' court may issue a ban on outdoor burning that is applicable to unincorporated portions of the county.

In addition, Texas criminal statutes specify penalties that pertain to escaped control fires and wildland fires that were deliberately set. Persons responsible for escaped control or arson wildfires may also be faced with civil suits for damages caused by these fires.

¹ In this document, "30 TAC 111" is short for "Title 30, Texas Administrative Code, Chapter 111."

Numerous authorities, including the National Weather Service and the Texas A&M Forest Service, may issue advisories, watches, or warnings when weather and fuel conditions increase the risk of escaped fires or the severity of wildfires. Public cooperation during the dangerous wildfire conditions is essential to prevent needless wildfires and the losses they may cause.

The Outdoor Burning Rule Explained

The current version of the Outdoor Burning Rule is the result of a concerted effort to produce a streamlined, unambiguous rule that can be applied consistently and fairly throughout Texas. Its purpose is to protect the environment, promote public health and safety, and avoid nuisance conditions through the sensible regulation of outdoor burning.

Summary of the Rule

The Outdoor Burning Rule first prohibits outdoor burning anywhere in Texas, and then allows exceptions for specific situations in which burning is necessary or does not pose a threat to the environment. The rule also prescribes conditions that must be met to protect the environment and avoid other adverse impacts when burning is allowed. If burning seems necessary, but the situation does not fit an exception stated in the rule, then it is possible to request a special authorization to conduct burning from the TCEQ.

How do I obtain a burning permit from the TCEQ?

The TCEQ does not issue burning permits. Outdoor burning in general is prohibited in Texas, although the Outdoor Burning Rule (Appendix C) does allow certain exceptions. If your situation fits all requirements for one of the exceptions described in the rule, you may conduct outdoor burning, as long as you comply with all the conditions. Depending on the circumstances, you may also need authorization from the appropriate regional office before you burn. Remember to check local ordinances or other regulations about burning.

Note that the burning of abandoned buildings by a fire department is not automatically considered fire training. There must be a specific benefit to the fire department. Simply preventing the spread of fire from an abandoned building to neighboring property is not considered training. Such burns constitute an attempt to circumvent the Outdoor Burning Rule and are prohibited.

Fires for Recreation, Ceremonies, Cooking, or Warmth

Outdoor burning is allowed when used solely for recreational or ceremonial purposes, in the noncommercial preparation of food, or exclusively as a means of generating warmth in cold weather. In other words, campfires, bonfires, and cooking fires are allowed. Fires built under this exception may not contain electrical insulation, treated lumber (including paint, stain, varnish, clear coat, or any other kind of treatment), plastics, construction or demolition materials not made of wood, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, or items containing natural or synthetic rubber. The other general requirements on allowable outdoor burning do not apply to fires covered by this exception, but the burning must not cause a nuisance or traffic hazard.

May I cook food on my charcoal grill in my backyard?

Yes. Fires used in the noncommercial preparation of food are allowed.

May I build a fire in my fireplace?

Yes. Indoor fires are not regulated by the Outdoor Burning Rule. Domestic-use fireplaces are authorized under the TCEQ's de minimis rules in 30 TAC 116.119.

Are campfires allowed inside the city limits?

Fires used solely for recreation or ceremony are allowed by state law; however, local ordinance may prohibit this kind of burning. Make sure no oils, asphalt, synthetic rubber, or other materials that produce heavy smoke are in the fire: they could release toxic gases or cause a nuisance or traffic hazard.

Fires for Disposal or Land Clearing

A broad exception for fires to dispose of waste or clear land covers seven more specific categories, described below. Residents of Montgomery County are subject to special restrictions (see below); these restrictions could be extended

to other areas of the state should growth in neighboring counties render them subject to the provisions of Texas Local Government Code 352.082.

1. Domestic waste. Domestic waste—in other words, household trash or rubbish—may be burned when the local governmental organization with jurisdiction over such matters does not collect trash and does not authorize a business or other service to do so. To qualify for this exception, the waste must come from a property that is designed to be a private residence and used exclusively as a private residence for no more than three families. The waste must also be burned on the property where it was produced. According to TCEQ rules [30 TAC 101.1(26)], domestic wastes include wastes that normally result from the function of life within a residence—for example, kitchen garbage, untreated lumber, cardboard boxes, packaging, clothing, grass, leaves, and branch trimmings. Such items as tires, construction debris, furniture, carpet, electrical wire, and appliances are not considered to be domestic waste and cannot be burned. Other conditions of the general requirements for outdoor burning do not apply to the burning of domestic waste, but the outdoor burn must not cause a nuisance or traffic hazard.

2. Diseased animal carcasses. These may be burned when burning is the most effective means of controlling the spread of disease. The general requirements for outdoor burning do not apply to this exception, but burning under this exception must not cause a nuisance or traffic hazard.

3. Burning of animal remains by a veterinarian. A veterinarian may burn animal remains and medical waste—not including sharps (e.g., needles)—associated with animals in his or her care on his or her property if the property is located outside the corporate boundaries of a municipality (or within such boundaries if annexed on or after September 1, 2003). This section prevails over any other law that authorizes a governmental authority to abate a public nuisance. (Texas Occupations Code 801.361.)

4. On-site burning of waste plant growth. Trees, brush, grass, leaves, branch trimmings, or other plant growth may be burned on the property on which the material grew in most attainment counties, as described below. In all cases, the plant growth must be burned by the property owner or any other person authorized by the owner.

- *All designated nonattainment counties and some attainment counties.* Burning of waste plant growth is allowed only if the material was generated as a result of right-of-way maintenance, land clearing, or maintenance along water canals, and no practical alternative to burning exists. "Practical alternative" is defined as "an economically, technologically, ecologically, and logistically viable

Other Situations

If a situation may require outdoor burning but is not covered by the previously described exceptions, you may request permission to burn from the TCEQ regional office. Its staff, acting on behalf of the executive director, will consider whether there is a practical alternative, whether the burning will cause or contribute to a nuisance or traffic hazard, and whether the practice will violate any federal or state primary or secondary standard for ambient air quality. Such an authorization may require you to follow certain procedures to control or abate emissions. The authorization may be revoked at any time if the TCEQ determines that the outdoor burning is creating a nuisance, violating any provision of an applicable permit, causing a violation of any air quality standard, or not conforming to the conditions specified in the authorization.

A bad storm knocked a lot of trees down in our community. May we burn the debris? May we haul it to the landfill and burn it?

Regardless of whether the brush is to be burned on-site or at the landfill, this type of burning is not specifically authorized in the exceptions to the prohibition on outdoor burning. However, the TCEQ may authorize the disposal of storm debris if there are no practical alternatives. Such requests are evaluated on a case-by-case basis. Contact the appropriate TCEQ regional office for guidance.

Why are housing subdivisions allowed to dig pits and burn their land-clearing materials within city limits?

They are using a process called air-curtain incineration (trench burning), which is authorized under a permit by rule or standard permit. Companies that specialize in that business must obtain prior TCEQ approval, obtain a federal operating permit, and follow specific written operating procedures.

General Requirements for Outdoor Burning

- If a proposed outdoor burn meets the conditions for an exception to the general prohibition of outdoor burning, additional requirements designed to protect public health, safety, and the environment may apply. They are designed to reduce the likelihood that the burning will create a nuisance, cause a hazard, or harm the environment. The specific requirements applicable to each type of allowable outdoor burn are identified in the

exceptions (see Appendix C). The party responsible for the burn remains liable for damages, injuries, or other consequences that may result from burning, even when it is carried out in compliance with these regulations.

- Notify the Texas A&M Forest Service before carrying out any prescribed or controlled burns that are intended for forest management.
- Burn only outside the corporate limits of a city or town, unless the incorporated city or town has an ordinance, consistent with the Texas Clean Air Act, Subchapter E, that permits burning.
- Commence or continue burning only when the wind direction and other weather conditions are such that the smoke and other pollutants will not present a hazard to any public road, landing strip, or navigable water (e.g., lake, river, stream, or bay) or have an adverse effect on any off-site structure containing “sensitive receptors” (e.g., a residence, business, farm building, or greenhouse; see box, page 8). Up to date information regarding weather conditions can be obtained online through a number of websites. This information should be referenced before conducting outdoor burning in order to determine the direction and speed of the wind, whether winds are expected to shift, whether your area is under a temperature inversion, and whether high ozone levels are forecast. Ozone level information is available on the TCEQ’s Texas Air Quality Forecast page: <www.tceq.texas.gov/goto/airtoday>.
- Post someone to flag traffic if at any time the burning causes or may tend to cause smoke to blow onto or across a road or highway.
- Keep fires downwind of, or at least 300 feet away from, any neighboring structure that contains sensitive receptors. This requirement may be waived only with the prior written approval of whoever owns or rents the adjacent property and either resides or conducts business there.
- Begin burning no earlier than one hour after sunrise. Cease burning the same day no later than one hour before sunset, and make sure that a responsible party is present while the burn is active and the fire is progressing. At the end of the burn, extinguish isolated residual fires or smoldering objects if the smoke they produce can be a nuisance or a traffic hazard. Do not start burning unless weather conditions are such that the smoke will dissipate (winds of at least 6 miles per hour; no temperature inversions) while still allowing the fire to be contained and controlled (winds no faster than 23 miles per hour).

- Do not burn any electrical insulation, treated lumber, plastics, non-wooden construction or demolition materials, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, or items that contain natural or synthetic rubber.

My situation doesn't fit any of the exceptions given in the rule, but I still think that burning is the only practical alternative. What can I do?

Submit a written request to the TCEQ regional office that serves the county where you wish to conduct outdoor burning. Acting on behalf of the executive director, regional personnel will review your request and determine whether a practical alternative is available. If they agree that none can be found, they will issue you a written authorization to burn that outlines specific conditions you must follow to control the emissions.

We are burning in compliance with TCEQ regulations, but the local fire marshal objects. Is our compliance with state rules not enough?

Your compliance with TCEQ regulations does not mean that other, stricter laws, regulations, or ordinances cannot be enforced by cities, counties, or other jurisdictions. You must comply with all such regulations (e.g., county burn bans) as well as the TCEQ rules.

Practical Alternatives to Burning

The Outdoor Burning Rule defines a practical alternative as “an economically, technologically, ecologically, and logistically viable option.” The following methods can sometimes serve as practical alternatives to burning as a means to dispose of waste. With creative thinking and the help of the local TCEQ regional office, you may be able to develop ways to dispose of your waste other than burning it.

Recycling. Manually or mechanically separate salvageable metals from other material and sell them at a salvage yard.

Composting. Wastes from landscape maintenance can often be composted on-site easily and cleanly. Similar wastes—even paper, in some instances—can be composted under the right conditions.

Mechanical chipping or mulching. The mulch that is produced could be put to use for soil enrichment and moisture retention, or used to create compost. In some cases, the mulch could become a marketable product, be put to use where it is produced, or be given to individuals or nurseries. If the material cannot be used as a landscape mulch, chipping can still be useful to reduce the volume of waste that must be disposed of by some other means.

Logging. Timber sometimes can be converted to a marketable product—lumber, pulp, or firewood—as one way to reduce the costs of disposal. The remaining small limbs and brush are then much easier to dispose of through one of the other alternatives.

Landfills. Some landfills have recycling centers, with chippers for wood waste and collection bins for paper, plastic, and glass. Type IV landfills accept brush. Contact your local landfills for details.

Air-curtain incineration (trench burning). Many land-clearing contractors have portable devices, known as *trench burners* or *air-curtain incinerators*, that can be used to dispose of brush or untreated lumber with minimal emissions. These devices must be authorized by the TCEQ prior to their construction at a burn site and the contractor must have obtained a federal operating permit. Many contractors and distributors lease out these devices.

Related TCEQ Publications

The TCEQ has a variety of publications available on issues related to outdoor burning. Several of them explain, in detail, specific alternatives to outdoor burning, for example:

- RG-325: *Used Oil Recycling Handbook: Guidance for Used Oil Handlers*
- G1-036: *Mulching and Composting*
- RG-419: *Disposal of Domestic or Exotic Livestock Carcasses*

To order single copies of these or other TCEQ publications, call TCEQ Publications Distribution at 512-239-0028 or write:

TCEQ Publications, MC 118
P.O. Box 13087
Austin, TX 78711-3087

Appendix A: Outdoor Burning—When Should You Notify the TCEQ?

Purpose of Burning	Notify the TCEQ	Who Else to Notify	Rule Section
Fire Training			
Statewide	In writing, 10 working days prior	1	111.205(a)
Dedicated facility, used at least once per week	Every year	1	111.205(b)
Dedicated facility, used less frequently	In writing every year, and by phone or fax 24 hours before event	1	111.205(c)
Disposal			
Domestic waste	Not required	2	111.209(1)
Diseased animal carcasses	Not required	2	111.209(2)
Animal remains and associated medical waste	Not required	2	111.209(3)
Plant growth on-site	Not required	2, 4	111.209(4)
Plant growth at designated burn site	Verbally or in writing, by fire department employee; must be 24 hours before event	2, 4	111.209(5)
Crop residue	Verbally or in writing, when possible	2, 4	111.209(6)
Brush, off-site, by county or city	In writing; also notify verbally when possible	2, 4	111.209(7)
Prescribed burns			
Other than coastal salt marsh	Verbally or in writing, when possible	2, 3, 4	111.211(1)
Coastal salt marsh	15 working days prior, in writing; verbal notification also required	4	111.211(2)(A)
Other			
Oil spills	Spill notification and prior approval, in writing; verbal notification also required	2	111.213
Ceremonial fires	Not required	2	111.207

Note: This table shows notification requirements only. See also the general requirements for allowable burning given later in this document. In instances where a general requirement does not apply, it may be included as part of a required TCEQ authorization.

1. If there is a local air pollution-control agency, notify that agency.
2. Check local ordinances, and notify any other government having jurisdiction over the area—for example, the county fire marshal, local fire department, or local law-enforcement officials.
3. Notify the Texas Forest Service before conducting prescribed burns for forest management.
4. Before conducting the burn, determine whether any structures containing sensitive receptors (for example, residences, greenhouses, stables, etc.) are within 300 feet of, and in the general direction downwind from, the site of the burn. If so, obtain written permission from the occupants or operators of those structures before you begin the burn.

Appendix B: TCEQ Areas and Regional Offices

TCEQ AREA OFFICES

BORDER AND PERMIAN BASIN

*Region 6, El Paso • Region 7, Midland
Region 15, Harlingen • Region 16, Laredo*
1804 W. Jefferson Ave. • Harlingen, TX 78550-5247
956-425-6010 • FAX: 956-412-5059

CENTRAL TEXAS

*Region 9, Waco • Region 11, Austin
Region 13, San Antonio*
P.O. Box 13087 • Austin, TX 78711-3087
12100 Park 35 Circle • Austin, TX 78753
512-239-6731 • FAX: 512-239-4390

COASTAL AND EAST TEXAS

*Region 5, Tyler • Region 10, Beaumont
Region 12, Houston • Region 14, Corpus Christi*
P.O. Box 13087 • Austin, TX 78711-3087
12100 Park 35 Circle • Austin, TX 78753
512-239-3607 • FAX: 512-239-4390

NORTH CENTRAL AND WEST TEXAS

*Region 1, Amarillo • Region 2, Lubbock • Region 3, Abilene
Region 4, Dallas/Fort Worth • Region 8, San Angelo*
5012 50th St., Ste. 100 • Lubbock, TX 79414-3426
806-796-7092 • FAX: 806-796-7107

TCEQ REGIONAL AND WATERMASTER OFFICES

1 – AMARILLO

3918 Canyon Dr.
Amarillo, TX 79109-4933
806-353-9251 • FAX: 806-358-9545

2 – LUBBOCK

5012 50th St., Ste. 100
Lubbock, TX 79414-3426
806-796-7092 • FAX: 806-796-7107

3 – ABILENE

1977 Industrial Blvd.
Abilene, TX 79602-7833
325-698-9674 • FAX: 325-692-5869

4 – DALLAS/FORT WORTH

2309 Gravel Dr.
Fort Worth, TX 76118-6951
817-588-5800 • FAX: 817-588-5700

Stephenville Office

(Concentrated Animal Feeding Operations)
580 W. Lingleville Rd., Ste. D
Stephenville, TX 76401-2209
254-965-9200 or 800-687-7078

5 – TYLER

2916 Teague Dr.
Tyler, TX 75701-3734
903-535-5100 • FAX: 903-595-1562

6 – EL PASO

401 E. Franklin Ave., Ste. 560
El Paso, TX 79901-1212
915-834-4949 • FAX: 915-834-4940

7 – MIDLAND

9900 W. IH-20, Ste. 100
Midland, TX 79706
432-570-1359 • FAX: 432-561-5512

8 – SAN ANGELO

622 S. Oakes, Ste. K
San Angelo, TX 76903-7035
325-655-9479 • FAX: 325-658-5431

9 – WACO

6801 Sanger Ave., Ste. 2500
Waco, TX 76710-7826
254-751-0335 • FAX: 254-772-9241

10 – BEAUMONT

3870 Eastex Fwy.
Beaumont, TX 77703-1830
409-898-3838 • FAX: 409-892-2119

11 – AUSTIN

P.O. Box 13087 • Austin, TX 78711-3087
12100 Park 35 Circle • Austin, TX 78753
512-339-2929 • FAX: 512-339-3795

12 – HOUSTON

5425 Polk St., Ste. H
Houston, TX 77023-1452
713-767-3500 • FAX: 713-767-3520

13 – SAN ANTONIO

14250 Judson Rd.
San Antonio, TX 78233-4480
210-490-3096 • FAX: 210-545-4329

14 – CORPUS CHRISTI

NRC Bldg., Ste. 1200,
6300 Ocean Dr., Unit 5839
Corpus Christi, TX 78412-5839
361-825-3100 • FAX: 361-825-3101

15 – HARLINGEN

1804 W. Jefferson Ave.
Harlingen, TX 78550-5247
956-425-6010 • FAX: 956-412-5059

16 – LAREDO

707 E. Calton Rd., Ste. 304
Laredo, TX 78041-3887
956-791-6611 • FAX: 956-791-6716

TEXAS WATERMASTERS

Brazos Watermaster

6801 Sanger Ave., Ste. 2500
Waco, TX 76710-7826
254-751-0335 • FAX: 254-772-9241

Concho Watermaster

622 S. Oakes, Ste. K
San Angelo, TX 76903-7035
325-481-8069 or 866-314-4894
FAX: 325-658-5431

Rio Grande Watermaster

Eagle Pass Office
P.O. Box 1185
Eagle Pass, TX 78853-1185
1152 Ferry St., Ste. E & F
Eagle Pass, TX 78852-4367
830-773-5059 • 800-609-1219
FAX: 830-773-4103

Harlingen Office

1804 W. Jefferson Ave.
Harlingen, TX 78550-5247
956-430-6056 or 800-609-1219
FAX: 956-430-6052

South Texas Watermaster

14250 Judson Rd.
San Antonio, TX 78233-4480
210-490-3096 or 800-733-2733
FAX: 210-545-4329

Appendix C: Outdoor Burning Rule

The Outdoor Burning Rule is reproduced below from 30 TAC 111.201–221. A current copy of the rule can be obtained from the TCEQ by calling 512-239-0028, or at <www.tceq.texas.gov/rules>.

§111.201. General Prohibition.

No person may cause, suffer, allow, or permit any outdoor burning within the State of Texas, except as provided by this subchapter or by orders or permits of the commission. Outdoor disposal or deposition of any material capable of igniting spontaneously, with the exception of the storage of solid fossil fuels, shall not be allowed without written permission of the executive director. The term “executive director,” as defined in Chapter 3 of this title (relating to Definitions), includes authorized staff representatives.

§111.203. Definitions.

Unless specifically defined in the Texas Clean Air Act (TCAA) or in the rules of the Texas Commission on Environmental Quality (commission), the terms used by the commission have the meanings commonly ascribed to them in the field of air pollution control. In addition to the terms that are defined by the TCAA, the following terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise.

- (1) **Extinguished**—The absence of any visible flames, glowing coals, or smoke.
- (2) **Landclearing operation**—The uprooting, cutting, or clearing of vegetation in connection with conversion for the construction of buildings, rights-of-way, residential, commercial, or industrial development, or the clearing of vegetation to enhance property value, access, or production. It does not include the maintenance burning of on-site property wastes such as fallen limbs, branches, or leaves, or other wastes from routine property clean-up activities, nor does it include burning following clearing for ecological restoration.
- (3) **Neighborhood**—A platted subdivision or property contiguous to and within 300 feet of a platted subdivision.
- (4) **Practical alternative**—An economically, technologically, ecologically, and logistically viable option.
- (5) **Prescribed burn**—The controlled application of fire to naturally occurring vegetative fuels under specified environmental conditions and confined to a predetermined area, following appropriate planning and precautionary measures.
- (6) **Refuse**—Garbage, rubbish, paper, and other decayable and nondecayable waste, including vegetable matter and animal and fish carcasses.
- (7) **Structure containing sensitive receptor(s)**—A man-made structure utilized for human residence or business, the containment of livestock, or the housing of sensitive live vegetation. The term “man-made structure” does not include such things as range fences, roads, bridges, hunting blinds, or facilities used solely for the storage of hay or other livestock feeds. The term “sensitive live vegetation” is defined as vegetation that has potential to be damaged by smoke and heat, examples of which include, but are not limited to, nursery production, mushroom cultivation, pharmaceutical plant production, or laboratory experiments involving plants.
- (8) **Sunrise/Sunset**—Official sunrise/sunset as set forth in the United States Naval Observatory tables available from National Weather Service offices.
- (9) **Wildland**—Uncultivated land other than fallow, land minimally influenced by human activity, and land maintained for biodiversity, wildlife forage production, protective plant cover, or wildlife habitat.

§111.205. Exception for Fire Training.

- (A) Outdoor burning shall be authorized for training firefighting personnel when requested in writing and when authorized either verbally or in writing by the local air pollution control agency. In the absence of such local entities, the appropriate commission regional office shall be notified. The burning shall be authorized if notice of denial from the local air pollution control agency, or commission regional office is not received within 10 working days after the date of postmark or the date of personal delivery of the request.
- (B) Facilities dedicated solely for firefighting training, at which training routinely will be conducted on a

frequency of at least once per week, shall submit an annual written notification of intent to continue such training to the appropriate commission regional office and any local air pollution control agency.

- (C) Facilities dedicated solely for firefighting training, at which training is conducted less than weekly, shall provide an annual written notification of intent, with a telephone or electronic facsimile notice 24 hours in advance of any scheduled training session. No more than one such notification is required for multiple training sessions scheduled within any one-week period, provided the initial telephone/facsimile notice includes all such sessions. Both the written and telephone notifications shall be submitted to the appropriate commission regional office and any local air pollution control agency.
- (D) Authorization to conduct outdoor burning under this provision may be revoked by the executive director if the authorization is used to circumvent other prohibitions of this subchapter.

§111.207. Exception for Fires Used for Recreation, Ceremony, Cooking, and Warmth.

Outdoor burning shall be authorized for fires used solely for recreational or ceremonial purposes, or in the noncommercial preparation of food, or used exclusively for the purpose of supplying warmth during cold weather. Such burning shall be subject to the requirements of §111.219(7) of this title (relating to General Requirements for Allowable Outdoor Burning).

§111.209. Exception for Disposal Fires.

Except as provided in Local Government Code, §352.082, outdoor burning is authorized for the following:

- (1) domestic waste burning at a property designed for and used exclusively as a private residence, housing not more than three families, when collection of domestic waste is not provided or authorized by the local governmental entity having jurisdiction, and when the waste is generated only from that property. Provision of waste collection refers to collection at the premises where the waste is generated. The term “domestic waste” is defined in §101.1 of this title (relating to Definitions). Wastes normally resulting from the function of life within a residence that can be burned include such things as kitchen garbage, untreated lumber, cardboard boxes, packaging (including plastics and rubber), clothing, grass, leaves, and branch trimmings. Examples of wastes not consid-

ered domestic waste that cannot be burned, include such things as tires, non-wood construction debris, furniture, carpet, electrical wire, and appliances;

- (2) diseased animal carcass burning when burning is the most effective means of controlling the spread of disease;
- (3) veterinarians in accordance with Texas Occupations Code, §801.361, Disposal of Animal Remains;
- (4) on-site burning of trees, brush, grass, leaves, branch trimmings, or other plant growth, by the owner of the property or any other person authorized by the owner, and when the material is generated only from that property:
 - (A) in a county that is part of a designated nonattainment area or that contains any part of a municipality that extends into a designated nonattainment area; if the plant growth was generated as a result of right-of-way maintenance, landclearing operations, and maintenance along water canals when no practical alternative to burning exists. Such burning is subject to the requirements of §111.219 of this title (relating to General Requirements for Allowable Outdoor Burning). Commission notification or approval is not required; or
 - (B) in a county that is not part of a designated nonattainment area and that does not contain any part of a municipality that extends into a designated nonattainment area; this provision includes, but is not limited to, the burning of plant growth generated as a result of right-of-way maintenance, landclearing operations, and maintenance along water canals. Such burning is subject to local ordinances that prohibit burning inside the corporate limits of a city or town and that are consistent with the Texas Clean Air Act, Chapter 382, Subchapter E, Authority of Local Governments, and the requirements of §111.219(3), (4), (6), and (7) of this title. Commission notification or approval is not required.
- (5) at a site designated for consolidated burning of waste generated from specific residential properties. A designated site must be located outside of a municipality and within a county with a population of less than 50,000. The owner of the designated site or the owner’s authorized agent shall:
 - (A) post at all entrances to the site a placard measuring a minimum of 48 inches in width and 24 inches in height and containing, at a minimum, the words “DESIGNATED BURN SITE - No burning of

(C) Such burning shall be subject to the requirements of §111.219 of this title.

§111.213. Exception for Hydrocarbon Burning.

Outdoor burning shall be authorized for hydrocarbon burning from pipeline breaks and oil spills only upon proper notification as set forth in §101.6 of this title (relating to Notification Requirements for Major Upset), and if the executive director has determined that the burning is necessary to protect the public welfare. Sampling and monitoring may be required to determine and evaluate environmental impacts.

§111.215. Executive Director Approval of Otherwise Prohibited Outdoor Burning.

If not otherwise authorized by this chapter, outdoor burning may be authorized by written permission from the executive director if there is no practical alternative and if the burning will not cause or contribute to a nuisance, traffic hazard or to a violation of any federal or state primary or secondary ambient air standard. The executive director may specify procedures or methods to control or abate emissions from outdoor burning authorized pursuant to this rule. Authorization to burn may be revoked by the executive director at any time if the burning causes nuisance conditions, is not conducted in accordance with the specified conditions, violates any provision of an applicable permit, or causes a violation of any air quality standard.

§111.219. General Requirements for Allowable Outdoor Burning.

Outdoor burning which is otherwise authorized shall also be subject to the following requirements when specified in any section of this subchapter.

- (1) Prior to prescribed or controlled burning for forest management purposes, the Texas Forest Service shall be notified.
- (2) Burning must be outside the corporate limits of a city or town except where the incorporated city or town has enacted ordinances which permit burning consistent with the Texas Clean Air Act, Subchapter E, Authority of Local Governments.
- (3) Burning shall be commenced and conducted only when wind direction and other meteorological conditions are such that smoke and other pollutants will not cause adverse effects to any public road, landing strip, navigable water, or off-site structure containing sensitive receptor(s).

(4) If at any time the burning causes or may tend to cause smoke to blow onto or across a road or highway, it is the responsibility of the person initiating the burn to post flag-persons on affected roads.

(5) Burning must be conducted downwind of or at least 300 feet (90 meters) from any structure containing sensitive receptors located on adjacent properties unless prior written approval is obtained from the adjacent occupant with possessory control.

(6) Burning shall be conducted in compliance with the following meteorological and timing considerations:

(A) The initiation of burning shall commence no earlier than one hour after sunrise. Burning shall be completed on the same day not later than one hour before sunset, and shall be attended by a responsible party at all times during the active burn phase when the fire is progressing. In cases where residual fires and/or smoldering objects continue to emit smoke after this time, such areas shall be extinguished if the smoke from these areas has the potential to create a nuisance or traffic hazard condition. In no case shall the extent of the burn area be allowed to increase after this time.

(B) Burning shall not be commenced when surface wind speed is predicted to be less than six miles per hour (mph) (five knots) or greater than 23 mph (20 knots) during the burn period.

(C) Burning shall not be conducted during periods of actual or predicted persistent low level atmospheric temperature inversions.

(7) Electrical insulation, treated lumber, plastics, non-wood construction/demolition materials, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, and items containing natural or synthetic rubber must not be burned.

§111.221. Responsibility for Consequences of Outdoor Burning.

The authority to conduct outdoor burning under this regulation does not exempt or excuse any person responsible from the consequences, damages, or injuries resulting from the burning and does not exempt or excuse anyone from complying with all other applicable laws or ordinances, regulations, and orders of governmental entities having jurisdiction, even though the burning is otherwise conducted in compliance with this regulation.

Appendix D: Background

30 TAC 111.201 prohibits outdoor burning in Texas, except as stated in Sections 111.205–15. It also prohibits storing spontaneously combustible materials other than “solid fossil fuel” (i.e., coal) outside. The exception for coal was made to be consistent with the intent expressed in the preamble to the 1989 revisions to the rule.

Land-clearing operation. The last sentence of this definition indicates two different kinds of exclusions. The first, for on-site property waste burns, is covered in Section 111.209(4); the second, for burns for ecological restoration, is covered in Section 111.211(1). In practice, prescribed burns and land-clearing burns may have similarities; occasionally it is necessary in a prescribed burn to bulldoze trees or brush into piles to obtain the appropriate effect. The key difference is the concept of “conversion.” The goal of land clearing is a major change in land use, i.e. the conversion of the land from one use to another; the goal of a prescribed burn is to restore, maintain, or renew the ecosystem.

Practical alternative. This definition contains four criteria, each of which must be considered to determine whether an alternative is practical. The standard of judgment should be that of a reasonable person. For example, an option that is technologically available but neither economically affordable nor logistically possible is not practical. A method other than burning may not be practical if it cannot achieve the desired ecological outcome. An alternative that is technologically, economically, and logistically feasible is not practical if it causes a greater ecological harm than burning.

In Section 111.205(b), the wording “at which training routinely will be conducted” is used to eliminate potential confusion. For example, if training is conducted weekly except during holidays and when meteorological conditions are unfavorable, the facility still would qualify under this section of the rule. Other similar situations may also qualify.

Section 111.209(1) specifies that collection of domestic waste by the local governmental agency or authorized agent must occur on the premises where the waste is generated. The governmental provision of a transfer or convenience station to which residents may bring waste does not constitute collection of domestic waste; therefore, burning may take place in that instance. Any authorization of collection services by a government or other jurisdiction must be specific and well-defined. For a government merely to say it

is OK for anybody to collect garbage commercially within its jurisdiction does not constitute authorized collection for the purposes of this rule.

Section 111.209(6) recognizes an agricultural practice that continues in many parts of the state. The key factor is whether a practical alternative exists. Determining whether there is a practical alternative requires evaluating such things as the type of crop, soil moisture level, soil nutrient benefits, cropping sequence, and cost of alternative disposal methods.

Section 111.209(7) was added to deal with situations in which accumulated vegetation has the potential to do such things as obstruct the flow of water and cause flooding or provide habitat for vermin, but where it is not feasible to burn on-site because doing so would create a nuisance or traffic hazard. Each such burn requires prior approval from the regional office. A site cannot be designated by the municipality or county for continual use, as a standard operating procedure, to augment normal brush disposal. The intent is that the government (or other organization) will not conduct such a burn more frequently than once every two months, no matter how many sites it may have available. For example, it is not permissible for it to conduct a burn at one site and then have another burn at another site a few days later, circumventing the intent of the rule.

Section 111.211 recognizes the use of fire as a necessary management tool for particular situations for which there is no practical alternative. All such burns are subject to the General Requirements for Allowable Outdoor Burning (111.219).

Section 111.213 sets forth a mechanism for remediation to avoid additional environmental degradation in an emergency, such as preventing a petroleum substance from entering a waterway. Once the emergency is under control, it is not permissible to burn the material used to absorb the hydrocarbon or other wastes associated with emergency control. This section should not be used to sanction disposal. Note that the Outdoor Burning Rule refers to Section 101.6 (Notification Requirements for Major Upsets). However, that section has been repealed and replaced by Section 101.201 (Emissions Events Reporting and Record-keeping Requirements).

Section 111.219(6)(A) allows flexible burn opportunities with consideration for meteorological conditions conducive to dispersion. The requirement for having a responsible

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party in attendance during the active burn phase does not mean someone has to be in attendance once the fire is virtually complete and is not advancing, i.e., once it principally consists of glowing coals with possibly some patchy residual fires. The extent of the burn may not be allowed to increase after one hour before sunset. A fire that has burned down to glowing coals has consumed most of the volatile substances and will not progress as a flame. It is understood that items such as stumps may burn for several days. Residual fires and smoldering objects without the potential to create a nuisance or traffic hazard need not be quenched. For example, if you

wish to burn 100 acres with a road on one side and no sensitive structures in other directions from the burn area, you would be prudent to extinguish residual fires and smoldering objects within a swath along the boundary with the road where the potential for nuisance or traffic hazard exists, but allow the remaining portion of the burn site to subside at a natural rate.

Section 111.219(7) specifically prohibits the burning of insulated wire without prohibiting the burning of piles created by fence demolition that contain wire and untreated wood wastes.

9. Adjourn