



Gaines County

Subdivision

And

**Manufactured Home Rental Community
Regulations**

Approved

December 20, 2023

By the Gaines County Commissioners' Court

Gaines County Subdivision Regulations

Regulating the filing for record of subdivision plats and other requirements pertinent thereto and establishing construction standards for all subdivisions situated outside the boundaries of any incorporated city in Gaines County, Texas.

The State of Texas, County of Gaines, in Commissioners Court of Gaines County, Texas.

Whereas: Gaines County has established standards and specifications for construction of roads and drainage, private sewage facilities and development within the floodplain, and;

Whereas: Chapters 232 and 233, Texas Local Government Code, empower the County to enact subdivision rules and regulations and to provide for its administration, enforcement, and amendment, and;

Whereas: Chapter 232, provides the capability for the Commissioners Court to adopt rules governing plats and subdivisions of land within the unincorporated area of the county to promote the health, safety, morals, or general welfare of the county and the safe, orderly, and healthful development of the unincorporated area of the county, and;

Whereas: Chapter 232.105 of the Texas Local Government Code authorizes the Commissioners Court to require the developer of the subdivision to execute performance bonds for the construction of improvements to ensure completion of the project; and

Whereas: Chapter 232.106 of the Texas Local Government Code authorizes the Commissioners Court to impose the requirements of Section 232.09 and 232.0291 to prevent the development of colonias anywhere within the state; and

Whereas: The County Commissioners Court of Gaines County, empowered with the authority to formulate such rules and regulations by Chapter 232 and 233, has favorably received and voted on these rules, the Commissioners Court does recommend that these regulations be adopted, and entered as an order of the Commissioners Court in the minutes of the court as the Subdivision Regulations of Gaines County;

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

Upon approval of these Regulations, previous versions are repealed. Regulations will not be retroactive.

Additional Requirements are found in the following exhibits.

Exhibit A – Application and Checklist

Exhibit A-1 – Understanding of no road maintenance / understanding of no responsibility of water to subdivision

Exhibit B – South Plains Public Health Department – On Site Sewage Facility Program

Exhibit C – Road Standards

Exhibit D – Drainage

Exhibit E – Fee Schedule

Exhibit F – Request for Variance / Exemption Form

Exhibit G – Acknowledgment Certificate of Road Standards and Drainage

GENERALLY – In accordance with Texas Local Government Code 232.001, the owner of a tract of land located outside the limits of a municipality must have a plat of the subdivision prepared if the owner divides the tract into two or more parts to lay out a subdivision of a tract, including an addition, lots, streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks or other parts.

EXCEPTIONS TO PLAT REQUIREMENTS

In accordance with Texas Local Government Code §232.0015, Gaines County will not require a plat for;

1. A subdivision outside the limits of a municipality that does not lay out streets, alleys, squares, parks, or other areas intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to those areas, provided that all of the divided land:
 - a. Is to be used primarily for agricultural use, farm ranch wildlife management, or timber production. If a tract of land ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production, a plat will be required;
 - b. Is divided into four or fewer lots and is sold, given, or otherwise transferred to an individual who is related to the owner within the third degree of consanguinity or affinity as determined under Chapter 573, Government Code. If any lot is sold, given, or otherwise transferred to an individual not related to the owner within the third degree by consanguinity or affinity, a plat will be required;
 - c. Consists of lots more than ten (10) acres in area;
 - d. Is sold to veterans through the Veteran's Land Board program;
 - e. Is land belonging to the state or any state agency, board, or commission or owned by the permanent school fund or any other funds dedicated to the State.
 - f. Is land divided into two parts provided one part is retained by the original owner and the second part is sold to an individual who will further subdivide the tract subject to the standards herein; or
 - g. If all parts are transferred to persons who owned an undivided interest in the original tract and a plat is filed before any further development of any part of the tract.
 - h. Land owned by a political subdivision of the State and situated in a flood plain where lots are to be sold to adjoining landowners.
 - i. Refer to Texas Local Government Code §232.0015 for complete list of exceptions.

An owner whose subdivision is exempt from the platting requirements of these Regulations may register the subdivision with the County Clerk and submit the following to the County Clerk:

- A duplicate copy of the recorded conveyance instrument with legible metes and bounds description attached hereto.
- A survey or plat showing the boundaries of the lots, adjacent roads, and adjacent property owners.
- The owner must acknowledge that all lots remain subject to the OSSF rule requirements by the South Plains Public Health Department.

SUBDIVISION PROCEDURES

Owner(s) (hereinafter called “Sub-divider” and/or “Developer”) of a proposed subdivision shall submit a map or plat, prepared by a licensed registered surveyor with the state of Texas, to the Commissioners Court for approval prior to filing with the County Clerk. Owners/Developers of projects falling under the rules of the Texas Condominium Regime must also submit their plans to the County in the same order and timetable as provided herein prior to filing with the County Clerk.

In areas within the Extraterritorial Jurisdiction of a City, no plat shall be filed with the County Clerk without the authorization of both the City and the County. If any conflicts exist between the requirements of the County and those of the City in whose ETJ (Extra Territorial Jurisdiction) the proposed subdivision is located, the more stringent provisions shall govern.

If the proposed development is a re-subdivision or re-plat of a recorded subdivision, the Sub-divider/Developer will be required to meet the requirements of these Regulations for re-subdivisions, as well as these specifications. An existing subdivision plat may be vacated by the owners thereof in conformance with these Regulations and upon approval of the Commissioners Court.

It shall be unlawful for all individual(s), Sub-divider(s)/Developer(s) to cause to be recorded of any such plat, vacate any plat, or re-plat, unless and until the same shall have been approved by the Commissioners Court of Gaines County.

Plats must be approved and filed for record prior to the installation of a septic system on any lot within a subdivision.

Use of Groundwater: Texas Local Government Code §232.0032

If a person submits a plat for the subdivision of a tract of land for which the source of the water supply intended for the subdivision is groundwater under that land, the commissioners court of a county requires the plat application to have attached to it a statement that:

- a) Is prepared by an engineer or geoscientist licensed to practice in Texas
- b) Certifies that adequate groundwater is available for the subdivision

Subdivider and/or Developer must provide a letter stating the service to be provided from the entity supplying electric and gas utilities. If utilities are not available, a statement must be designated on the plat or court must be notified.

Either a Sub-divider/Developer must furnish roads/streets that satisfy the road standards adopted by the Commissioners Court of Gaines County within these subdivision regulations, or the plat must be clearly marked, and all relevant advertising materials must clearly state that the Sub-divider/Developer is NOT going to attempt to satisfy County Road standards and the subdivision will not be eligible for adoption into the County Road system.

Gaines County shall not repair and/or maintain any streets and/or roads in any subdivision for which a final plat has not been approved or variance approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full, nor shall Gaines County repair and/or maintain any streets and/or roads until such time as the roads and/or streets have been accepted by the Commissioners Court.

Acceptance of roads will require approval by the Commissioners Court. Upon final approval, title to all paved streets/roads shall be conveyed to the County by either a warranty-deed dedication, or a grant of right-of-way in a form that is acceptable to the Commissioners Court. Accompanying such deed/dedication grant shall be an adequate description of paved streets/roads by reference of the approved subdivision plat or a survey made on the ground by a Registered Professional Engineer Surveyor. All roads shall adhere to the Road Standards (Exhibit C) specifications, whether a request for County maintenance is planned.

LEGAL PROVISIONS

Enforcement

On behalf of Gaines County, the County Attorney or another attorney, may when directed by the Commissioners Court, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this Regulations or the standards referred to herein with respect to any violation thereon which occurs within Gaines County's jurisdiction. In addition to any other remedy provided by law, the County and its officers have the right to enjoin any violation of this Regulations by any lawful procedure.

In accordance with Section 232.036 paragraphs (b) and (d) Texas Local Government Code, a Sub-divider/Developer commits an offense if the Sub-divider/Developer allows the conveyance of a lot in the subdivision without having made a reasonable effort to have electric and/or gas utility service installed by a utility provider as required by Section 232.032. In accordance with the law, this offense is a Class A Misdemeanor. Each lot conveyed constitutes a separate offense. For this provision, in accordance with Section 232.036, the venue for prosecution of a violation under this regulation is in Gaines County.

Conflicting Orders. If any other County Order conflicts with these Regulations, the most stringent rules will apply.

Severability Clause. If any provision of these Regulations or the application thereof to any person or circumstance is held invalid, the remainder of these Regulations and the application of such provisions to such persons or circumstances shall not be affected thereby.

If deeds, contracts of sale, transfers of title, or other transactions do not comply with the plat requirements as set forth in these Regulations, and in the State Statutes, the Commissioners Court or its representative can so notify the party selling or transferring title in whole or in part to comply with said requirements. In the event the said notified party refuses to comply with the requirements of these Regulations and/or state law, the Commissioners Court can take appropriate action to obtain compliance. Any party violating any provision of these Regulations shall be guilty of a Class B misdemeanor and each act of the violation shall constitute a separate offense to which it will be at the Commissioners Court's discretion to proceed, under the advice of the County Attorney.

Subdivision construction authorization: Any person desiring to create a subdivision, including mobile home or travel trailer parks, utilizing and/or requiring on-site sewage facilities, in whole or in part, must obtain authorization from the Designated Representative of South Plains Health Department prior to commencing or continuing construction in the subdivision.

See Exhibit B - South Plains Public Health Department On-Site Sewage Facility Program

Application: Each prospective purchaser and/or lot owner(s) are to be informed by the Sub-divider and/or Developer that a Permit to construct shall be required before an on-site sewer system can be constructed in the subdivision, and after the construction inspection is required by the Designated Representative from South Plains Health Department to ensure compliance with the Standards of the State of Texas and this County's Regulations.

Notice

Any notice or document submission to the County required by the Regulations shall be in writing and delivered by the United States Postal Service (by certified mail), courier, or hand-delivery, with proof of delivery to the County established by a delivery receipt or other document. The County's contact official and address regarding notice or document submissions required by these Regulations are as follows:

County Judge (or Designee) - Gaines County, Texas
Gaines County Courthouse
101 South Main Street, Room 201 (Mail address - PO Box 847)
Seminole, Texas 79360
Telephone: 432-758-5411

PLAT PROCEDURE

It is recommended that the Sub-divider and/or Developer meet with the Commissioner and/or County Judge in whose precinct the proposed project is located at least 14 days prior to submitting a plat application to the County Judge.

Application (See Exhibit A/A-1). The County's plat application in the current form promulgated by the County is available at no cost to the public at the office of the County Judge at the notice addressed above in these Regulations, along with the document list (checklist), which describes all required documentation for submission by the Sub-divider/Developer to the County for a completed Plat

Application. A completed Plat Application will include, hereinafter collectively referred to as “Plat Application”:

1. the fully complete and executed Plat Application;
2. the proposed plat;
3. All supporting documents, and
4. A cashier’s check or money order for all fees.

A completed Plat Application submitted to the County Judge or its designee that includes the documents, other information on the checklist, and payment of fees by cashier’s check or money order is considered complete. Acceptance by the County Judge or its designee of a completed Plat Application shall not be construed as approval by the Commissioners Court.

If a person submits a Plat Application to the County that does not include all the documentation or other information and fees required, the County Judge or its designee shall, not later than the 10th business day after the date the County Judge or its designee receives the plat application, notify the applicant of the missing documents or other information and fees. The County Judge shall allow an applicant time to submit the missing documents or other information and fees.

The Commissioners Court shall make a decision regarding the approval, approval with conditions, or disapproval of the completed Plat Application not later than the 30th day after the date the completed application is received by the County Judge or its designee. The 30-day period referenced above may be extended for a period not to exceed 30 days, if requested and agreed to in writing by the applicant and approved by the Commissioners Court or the County Judge. An application and an any extension shall be approved by the Commissioners Court unless the application is approved with conditions or disapproved within the time allowed.

The Commissioners Court or the County Judge shall make the determination whether the 30-day period will be extended not later than the 20th day after the date a completed plat application is received by the County Judge or its designee.

If the Commissioners Court approves with conditions that are identified at the time a decision is made by the Commissioners Court or disapproves a plat application, the applicant shall be given the reasons for the conditional approval or disapproval.

The Commissioners Court may not compel an Applicant to waive the time limits stated above.

Fees. Texas Local Government Code §232.0021 - Reasonable fees have been adopted and approved by the Commissioners Court. The Commissioner Court may adopt and approve new fees as required. The fees are to cover the cost of the County’s review of a subdivision plat or Manufactured Home Rental Community (MHRC) infrastructure development plan, the inspection of street, road, and drainage improvements therein described, and other matters. The fee is based on the number of proposed lots in the subdivision and/or any other reasonable criteria as determined by the Commissioners Court. All required fees must be paid by the Sub-divider and/or Developer to the County by cashier’s check or money order and submitted with the Plat Application. The plat application shall be deemed incomplete if the fee is not paid at the time of the Plat Application is submitted. **(See Exhibit E – Fee Schedule)**

If the Commissioners Court fails to take final action on the plat as provided herein: (1) the County shall refund 100 percent of a plat application fee or deposit that has been paid; (2) the plat application is granted by operation of law; and (3) the applicant may apply to a district court in the county where the tract of land is located for a writ of mandamus to compel the Commissioners Court to issue documents recognizing the plat approval.

PLAT VARIANCE. Any person who wishes to receive a variance should apply to the county with a detailed justification for each variance requested. The decision of the Commissioners Court whether to grant or deny a variance is at its complete discretion and will be final.

(See Exhibit F – Request for Variance/Exemption Form)

South Plains Public Health District on-site sewage facility has a variance for lots smaller than 1 acre.

(See Exhibit B – Request for variance – lots smaller than 1 acre)

DESIGN STANDARDS

The following criteria shall be deemed the minimum standard by which subdivisions in Gaines County shall be designed.

Lots - The size, width, depth, shape and orientation of lots shall be appropriate for the area of the County in which the subdivision is located, and for the type of development and use contemplated.

Minimum lot dimensions shall conform to the following conditions:

- When the lot has no community water and sewage systems, the area shall be one (1) acre or more. The shape and size of the area shall be large enough to meet the following requirements:
 - Any proposed site for septic tanks and absorption systems must be located at the prescribed distance from water wells, streams, dry washes, etc.
- When the lot has a community water system but no community sewage system, the area of the lot must be one-half (0.5) acre or more, provided a septic tank system meets the minimum set-back distance requirements stated.
- When the lot has community water and sewage systems; the area of the lot may be less than one-half (0.5) acre.
- All size requirements will include easements and/or roadways.

Building Set Back Lines shall be at least twenty-five feet (25') from the right of way lines, and ten feet (10') from back of property line on lots of 0.5 acres or more.

Building Set Back Lines shall be at least twenty-five feet (25') from the right of way lines, and five feet (5') from back of property line on lots of less than 0.5 acres.

MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS (MHRC)

- A. The Commissioners Court adopts and approves for use and application in these Regulations the following standards and regulations for Manufactured Home Rental Communities development located in the unincorporated area of the County.

- B. **Application.** The County’s MHRC Application, Check List, and Fee Schedule in the current form promulgated by the County is available at no cost to the public at the office of the County Judge at the notice address, herein above in these Regulations. The MHRC Application form describes all required documentation for submission by the Sub-divider and/or Developer to the County of a completed MHRC application.
- C. **Completed Application.** A completed MHRC application will consist of: (1) the fully completed and executed application; and (2) the required infrastructure development plan and all supporting documents, as described herein.
- D. **Infrastructure Development Plan.** Construction of a proposed MHRC may not begin before an infrastructure development plan (“**plan**”) has been submitted to and approved by the County, as follows:
- a. Construction of a proposed manufactured home rental community may not begin before the infrastructure plan has been approved by Commissioners Court.
 - b. A MHRC plan shall be approved by the Commissioners Court prior to utility services, including water, sewer, gas and electric services.
 - c. Minimum Standards and submission requirements:
 - i. **Specifications** -- The plan shall: (a) provide adequate drainage for the MHRC, including all streets or roads therein, in accordance with standard engineering practices; (b) specify necessary drainage culverts and other drainage facilities for the MHRC. and (c) identify all areas of the MHRC located in the 100-year floodplain, if any. The drainage requirements for the MHRC shall comply with the drainage standards described for subdivisions in these Regulations. (See Exhibit D – Drainage)
 - ii. **South Plains Public Health Department Regulation Compliance** -- The MHRC shall conform to the applicable requirements of the active regulations of SPPHD, including its On-Site Sewage Facility (OSSF) Program, and the plan shall contain: (a) a description of such compliance; and authorized SPPHD representative regarding such compliance.
 - iii. **Descriptions/Water** -- The plan shall describe: (a) the provision of an adequate public or community water supply to the MHRC in accordance with minimum state standards; and (b) the location of all facilities and supply lines for said water supply in accordance with Subchapter C, Chapter 341 of the Texas Health and Safety Code.
 - iv. **Land Survey** -- The plan shall contain a land survey of the proposed MHRC performed by a Texas registered professional land surveyor (on the ground), and shall identify, at minimum: (a) the proposed MHRC boundaries, and any significant features located therein; (b) the proposed location of all spaces, lots, or other parts of the MHRC; (c) the proposed or existing utility, road, and drainage easements; and (d) the dedications of easements and rights-of-way, if any.
 - v. **Roads** -- The plan shall identify and describe all roads and streets in the MHRC. Those roads and streets shall be constructed and comply with the following standards in order to provide ingress and egress for fire and emergency vehicles: all street and road standards described in these Regulations for subdivisions. (See Exhibit C – Road Standards)
 - d. Gaines County Commissioner(s) may inspect roads and associated drainage structures for compliance with these minimum standards.

- e. Tenants may not occupy rental spaces until all construction requirements of the infrastructure plan have been approved by the Commissioner Court.
- f. Fees for Infrastructure Plans for MHRC shall be based on number of lots and/or rental spaces and shall be the same as Gaines County Subdivision Fees.
(See Exhibit E – Fee Schedule)
- g. Lawful Compliance - Enforcement (refer to page 4 of Subdivision Regulations).

EXHIBIT A

Application and Checklist

GAINES COUNTY- SUBDIVISION & MHRC PLAT APPLICATION

A completed plat application must be submitted by noon on the Wednesday prior to the Commissioners Court meeting. It is recommended that the Owner/Developer meet with the County Judge and/or Commissioner in whose precinct the proposed project is located at least 14 days prior to submitting a plat application.

Owner Information (the holder(s) of a legal or equitable interest in the subject property as shown by the deed records of Gaines County, Texas)

Owner Full Legal Name: _____
Owner Mailing Address: _____
City: _____ State: _____ Zip Code: _____
Primary Phone: _____ Email Address: _____

Designated Contact (The individual who the owner or applicant has chosen to receive all communications of the application)

Designated Contact Name: _____
Primary Phone: _____ Email Address: _____
City: _____ State: _____ Zip Code: _____
Primary Phone: _____ Email Address: _____

Business Entities (For Service of Process)

Name of Agent: _____
Agent Mailing Address: _____
Consultants (Consultants working on subdivision) (if any): _____
Registered Professional Land Surveyor: _____
Email Address: _____ Primary Phone: _____

Required by Texas Local Government Code, Sec. 232.0032:

Texas Licensed Engineer or Geoscientist: _____
Contact Mailing Address: _____
Contact Phone: _____ **License Number:** _____

Proposed Subdivision Name: _____
Commissioner Precinct: _____
Total Parent Tract: _____
Total Lots, Parts, or Divisions: _____
Names of Nearest Public Roads: _____

(1) Regarding a proposed subdivision plat, the documents identified on the Check List for Subdivision Plat Application are required to be submitted to Gaines County for review with this Plat Application per the Subdivision and Mobile Home Rental Community Regulations for Gaines County, Texas (the "Regulations"), the contents of which are incorporated herein by

reference. Please attach all required documents to this Application, include additional sheets, if necessary.

(2) You must submit this Application and all required documents to the following public office as described in the Regulations:

County Judge
Gaines County, Texas
Gaines County Courthouse
101 South Main Street. Room 201
Seminole, Texas 79360
Telephone: 432-758-5411

THE SUBDIVIDER/DEVELOPER NAMED BELOW HEREBY CERTIFIES AND STATES THE FOLLOWING:

I have read the active, current, Subdivision and Manufactured Home Rental Community Regulations for Gaines County. This plan complies with all applicable requirements of these Regulations, the statutes and regulations of the State of Texas and United States Government and their administrative agencies and the County's active sewer, drainage, septic and OSSF regulations. All documents required by the Regulations have been prepared by me or on my behalf and are attached to this Application, including full payment to the County, by cashier's check or money order, for all required fees.

Subdivider/Developer

Printed Name: _____

Title: _____ Date: _____

State of Texas

County of Gaines

Sworn and subscribed before me on the _____ day of _____, 20____,

By _____ (name of applicant).

Notary Public Signature

RECEIPT BY COUNTY:

RECEIVED BY:

Printed Name: _____ Title: _____

Date Received: _____

Gaines County Subdivision Guidelines: Checklist

Plat Requirements:

- _____ 1. Name of the proposed subdivision, with said name not conflicting in spelling, pronunciation, or any other way with the name of any other existing subdivision/development within Gaines County, unless the proposed subdivision/development is contiguous to an existing subdivision and is an additional phase of that development.
- _____ 2. Lot and block numbers
- _____ 3. Name and address of the developer and/or owner of the property.
- _____ 4. Drainage / Floodplain map and information included on survey.
- _____ 5. Total number of lots and acreage within the proposed subdivision.
- _____ 6. Total area within street/road right-of-way and length of street/roads.
- _____ 7. Name and address of the surveyor.
- _____ 8. The Final Plat shall be submitted for approval in the form of two original mylar maps, bearing all necessary signatures in blue/black ink. Each signature shall have, immediately under it in legible lettering or typing in blue/black ink, the name corresponding to the original signature. All corporate, legal, license and registration seals shall be affixed in such a manner as to be legible. The signatures of all persons joining in dedication of the plat shall be notarized. The original of the Final Plat may be submitted by the sub-divider/developer or his agent to the County Judge and recorded by the County Clerk when the Final Plat is approved by the Commissioners Court.

Other Requirements:

- _____ 1. On Site Sewage Facility (OSSF) compatibility with area-wide drainage and groundwater.
Contact: South Plains Health Department, 704 Hobbs Hwy, Seminole TX – Phone: 432-758-4022
- _____ 2. Fees – cashier's check or money order payable to Gaines County
- _____ 3. Lots with direct access to all State highways need an approval letter from TXDOT.
- _____ 4. Letter from utility (electric/gas) providers for provided services stating services will be provided.
- _____ 5. Acknowledgment of Road Standards and Drainage.
- _____ 6. Understanding of No Road Maintenance.
- _____ 7. Understanding of No Gaines County Liability for Water to Subdivision.
- _____ 8. Any deed restrictions.
- _____ 9. Although it is not a mandated requirement, in the event the Sub-divider/developer proposes to use privately maintained roads, the proposed Articles of Incorporation and By-Laws of the Homeowner's Association or other entity responsible for road maintenance (if applicable).
- _____ 10. Plan in place to provide mail receptacles for residents approved by USPS.
- _____ 11. Tax certificate showing that all taxes are currently paid on the property to be subdivided.

Following Plat Approval:

- _____ Numbers of streets/roads, with said numbers not duplicating any other streets/roads within Gaines County unless they are extensions of said streets/roads and comply with requirements of 911 addressing regulations. Traffic safety signs should be considered for the safety of the occupants of the County.
Contact: Gaines County 911 Coordinator – Courthouse, Room 209- Phone: 432-758-4059

Additional Information from Xcel Energy

To Whom it may concern,

Thank you for requesting new electric service for a development in Gaines County. As a Regulated Utility in the State of Texas we are required to facilitate electrical service for new subdivisions in compliance with our Tariffs filed with the Public Utility Commission. The Tariff pertaining to Residential Subdivisions reads:

Xcel Energy will extend a primary voltage line to serve the development, including a secondary voltage line ("Extension"). The developer will provide a non-refundable contribution in aid of construction in the amount of Xcel Energy's estimated total cost of the extension. In addition, Xcel Energy shall gross up the non-refundable contribution amount to account for taxes associated with the non-refundable contribution. Xcel Energy may make other extensions, alterations, or additions to the extension for service to customers outside of the development. Upon the request of any owner of a lot within the development, Xcel Energy will extend service from the extension to the point of the delivery in accordance with Xcel Energy's rules, regulations, and conditions of service. The subdivided parcel of land shall be defined by a recorded plat, a copy of which shall be provided to Xcel Energy in Xcel's approved format. The developer shall provide at no expense to Xcel Energy, valid easements and right-of-way as required by Xcel Energy covering all Xcel Energy's facilities.

Prior to providing you (the developer) with an estimate of electrical costs, please have the following information prepared:

- A preliminary subdivision plat showing lot configuration, public/private roads, and all necessary utility easements.
- Preferred location of electric lines relative to lot (i.e. front of lot or back of lot)
- Preferred location of electric lines relative to ground (i.e. Overhead vs. Underground)

Please contact Xcel Energy upon receipt of the above information to coordinate electrical design prior to recording the plat for the development. After review of the documentation, and if all requirements set out by Xcel Energy are fulfilled, a Will-Serve letter will be given to you. This letter can be used to satisfy the requirements of Gaines County's platting process.

If you have any additional information, please reach out to

Carter Lytal, P.E.
Xcel Energy
Staff Engineer, Distribution Design
4201 Frankford Avenue, Lubbock, TX 79407
P: 806.796.3363 C: 806.881.9365 F: 806.796.3349
E: Carter.M.Lytal@xcelenergy.com

EXHIBIT A-1

**Understanding of
No Road Maintenance**

**Understanding of
No Responsibility of Water
to Subdivision**

**Understanding of No Road Maintenance
(Roads will be Retained as Private Roads)**

"In submitting this plat to the Commissioners Court of Gaines County, Texas, the Subdivider/Developer or his/her authorized representatives hereby acknowledges that all roads shown thereon are private streets/roads OR are streets/roads dedicated to public use and shall remain the property and responsibility of the Subdivider/Developer and/or subsequent owners of the subdivided properties. The Subdivider/Developer or his/her authorized representative further acknowledges that the construction, repair, and maintenance of the streets/roads identified on the plat, whether private streets/roads or streets/roads dedicated for public use, and any associated drainage improvements shall be the responsibility of the Subdivider/Developer and/or subsequent owners of the subdivision or lots within a subdivision and shall not be the responsibility of Gaines County."

Subdivider / Developer

Date

**Understanding of No Gaines County
Liability or Responsibility for Provision of Water to Subdivision**

"In submitting this plat to the Commissioners Court of Gaines County, Texas, the Subdivider/Developer or his/her authorized representatives hereby acknowledges that Gaines County has NO liability or responsibility to provide water of any kind or character to the subdivision or lots within a subdivision. The provision of water to the subdivision or lots within a subdivision remains the responsibility of the Subdivider/Developer and/or subsequent owners of the subdivided properties."

Subdivider / Developer

Date

EXHIBIT B

South Plains Public Health Department



SOUTH PLAINS PUBLIC HEALTH DISTRICT
ON SITE SEWAGE FACILITY (OSSF) PROGRAM

Certificate of Conference

I, _____, Executive Director and representative of the South Plains Public Health District, the Authorized Agent for Gaines, Yoakum, Dawson, Terry and Lynn Counties, hereby certify that I have met with _____ on the _____ day of _____ 20____, regarding a proposal to develop a new subdivision in an unincorporated area of _____ County, the subdivision to be called _____, and is generally located in the _____ of Gaines County.

I have conferred with the above-named developer, or designee, and provided him/her with information on the following TCEQ regulations and requirements as detailed in TAC Chapter 285.4 Facility Planning and how they are to be formatted.

- ☐ An overall site map of development with county roads
- ☐ A topographical map
- ☐ A FEMA 100-year floodplain map with development superimposed on the map
- ☐ USDA soil survey
- ☐ The location of domestic and agricultural wells
- ☐ The location of easements, as identified in §285.91(10)
- ☐ A comprehensive drainage plan
- ☐ A complete report detailing the types of OSSF's to be considered and their compatibility with area-wide drainage and groundwater.
- ☐ A check made payable to the South Plains Public Health District in the amount of 10.00 per lot.

I have advised the developer of his/her obligation to comply with all applicable county, state, and federal regulations. By his/her signature below, the developer acknowledges his/her receipt of a copy of this certificate.

Developer or Designee

Executive Director, SPPHD

Date Signed

Date Signed



SOUTH PLAINS PUBLIC HEALTH DISTRICT
ON SITE SEWAGE FACILITY (OSSF) PROGRAM

Subdivision Review Guidelines

Subdivision Name: _____

Subdivision Location: _____

Total # of Lots: _____ Approximate Lot Size: _____ (must be at least 1 acre in size)

Total # of existing domestic wells _____ # agricultural wells: _____

Development Company or Property Owner Name: _____

Mailing Address: _____

Physical Address: _____

Phone Number: _____ E-mail Address: _____

Name of RS or PE: _____ TX License #: _____

Mailing Address: _____

Physical Address: _____

Phone Number: _____ E-mail Address: _____

Note: Per Title 30 Chapter 285.4 (c) of the Texas Administrative Code, the following is a checklist of required documents that must be provided with this application for review. ALL items must be submitted with the application. Please provide photo copies of all documents to SPPHD for record keeping purposes. **Incomplete Packets will not be reviewed until all documents have been submitted.**

- ☐ An overall site map of development with county roads
- ☐ A topographical map
- ☐ A FEMA 100-year floodplain map with development superimposed on the map
- ☐ USDA soil survey
- ☐ The location of domestic and agricultural wells
- ☐ The location of easements, as identified in §285.91(10)
- ☐ A comprehensive drainage plan
- ☐ A complete report detailing the types of OSSF's to be considered and their compatibility with area-wide drainage and groundwater.
- ☐ A check made payable to the South Plains Public Health District in the amount of 10.00 per lot.

SOUTH PLAINS PUBLIC HEALTH DISTRICT (SPPHD)
ON-SITE SEWAGE FACILITY (OSSF) PROGRAM
Subdivision Review Guidelines

ALL PROPOSED SUBDIVISIONS OR DEVELOPMENT PLANS, wherein the wastewater is to be disposed of by means of on-site sewage facilities (OSSF), are required to be reviewed by the permitting authority and **MUST HAVE THE FOLLOWING MINIMUM INFORMATION SUBMITTED**:

- An overall site plan that provides individual lot sizes and any existing water well locations. Areas for replacement OSSF systems are generally considered adequate when minimum lot sizes, as required by Title 30 Texas Administrative Code (TAC) Chapter 285, are provided. However, if ground surface features or topographies limit a lot's suitable area for an OSSF system smaller than the minimum lot size, then the replacement OSSF area on impacted lots needs to be addressed.
- A topographic map with the proposed subdivision location imposed on the map. The map shall be an original or legible copy of a "7.5 degree" map (Department of the Interior Geological Survey map with 5 foot contour intervals). Surface drainage and direction of drainage influenced by slope and other improvements planned for the subdivision shall be indicated on the map. Indicate subsurface horizons down to a depth of at least 7 feet.
- A Federal Emergency Management Agency (FEMA) 100-year flood plain map with the proposed subdivision location imposed on the map. The map will be an original or legible copy. If a floodplain or floodway limits a lot's suitable area for an OSSF system, then a Registered Sanitarian or Professional Engineer, licensed in the State of Texas, must address the OSSF's impact during highwater events.
- A soils survey which includes:
 - (a) An original or legible copy of an existing official USDA Natural Resources Conservation Service soil survey map, if one has been completed, with the proposed subdivision location imposed on the map. The soil class and texture information must address each major soil association named by the USDA in the proposed subdivision and must be in accordance with current 30 TAC Chapter 285 rules for class and texture. If there is no official Natural Resources Conservation Service soil survey information available, then soils information as described in the current 30 TAC Chapter 285 rules must be submitted by class and texture. This includes a soil texture analysis for each different USDA soil association and subsurface horizons down to 7 feet.
 - (b) Soil drainage and groundwater information and soil limitations that could affect OSSF disposal, identified by soil scientists in any official soil surveys.
- The types of OSSF disposal systems suitable for the soils in the proposed subdivision. A statement may be included to the effect that individual OSSF system selection will be made in conjunction with the site evaluation with respect to the individual site permitting process, in accordance with the 30 TAC Chapter 285 OSSF rules.
- An official county road map with directions to the proposed subdivision.
- A fee of \$10.00 per lot.

Submittals including all of the above information will be considered administratively complete. Upon determination that the submittal is administratively complete, SPPHD will provide a technical review of the submittal to determine compliance with 30 TAC §285 regarding individual lot size requirements and overall site suitability. Additional information may be requested by the SPPHD on a case-by-case basis. SPPHD will provide a written response to the sender regarding approval within 45 days of receipt of administratively complete planning materials.

SAMPLE STATEMENT

Items for inclusion in RS or PE report

INSTALLATION OF AN OSSF SYSTEM PER RESIDENTIAL LOT IS REQUIRED FOR EACH PROPOSED SUBDIVISION PER GAINES COUNTY AND THE SOUTH PLAINS PUBLIC HEALTH DISTRICT AS PER TITLE 30 TEXAS ADMINISTRATIVE CODE CHAPTER 285.4 (c). IT SHALL BE STIPULATED IN EACH DEED AS A REQUIREMENT UPON THE SALE OF EACH LOT.

PLEASE INCLUDE LANGUAGE REGARDING PLACEMENT OF WELLS AND OSSF'S INCLUDED IN THE PURCHASE AGREEMENT AND URGE THOSE WHO PURCHASE LOTS THAT WELLS SHOULD BE LOCATED IN THE REAR OF THE PROPERTY AND OSSF'S SHOULD BE CONSTRUCTED IN THE FRONT OF THE PROPERTY IF AT ALL POSSIBLE. *(THE CONSISTENT PLACEMENT OF WELLS AND OSSF'S THROUGHOUT THE SUBDIVISION ENSURES THAT ALL PROPERTY OWNERS ARE ABLE TO FULLY UTILIZE THEIR PROPERTY AND ELIMINATES THE POSSIBILITY OF AN INDIVIDUAL CONSTRUCTING AN OSSF WITHIN TYE SETBACK OF A NEIGHBORS WELL.)* THIS IS A RECOMMENDATION AND SOME VARIATIONS MAY HAVE TO BE CONSIDERED DUE TO WATER ACCESSIBILITY. HOWEVER, TCEQ SETBACK REQUIREMENTS REGARDING PROPERTY LINES, WELLS AND OSSF'S WILL BE STRICTLY ENFORCED.

PLEASE INCLUDE A DESCRIPTION OF THE TYPES OF SEPTIC SYSTEMS WHICH WILL BE INSTALLED IN THIS DEVELOPMENT. *(THE TYPES OF OSSF'S APPROVED BY THE STATE OF TEXAS AND INSTALLED MOST FREQUENTLY IN GAINES COUNTY INCLUDE STANDARD PIPE AND GRAVEL, EZ FLOW, GRAVELLESS PIPE AND LEACHING CHAMBERS. THESE TYPES OF SYSTEMS MAY BE INSTALLED BY THE HOMEOWNER IF THE SYSTEM(S) WILL SERVE HIS/HER PRIMARY RESIDENCE.*

THESE TYPES OF SYSTEMS ARE ALSO APPROVED BY TCEQ AND THE STATE OF TEXAS BUT ARE USED LESS FREQUENTLY AND MAY REQUIRE THE INSTALLER TO POSSESS A CLASS II LICENSE. THESE SYSTEMS INCLUDE ABSORPTIVE MOUNDS, DRIP IRRIGATION, EVAPOTRANSPIRATION BEDS, LOW PRESSURE DOSING, PTI SYSTEMS AND SURFACE APPLICATIONS. OSSF'S SERVING STRUCTURES CONSIDERED RENTAL OR LEASE PROPERTIES MUST BE INSTALLED BY A LICENSED INSTALLER.AND NOT THE HOMEOWNER

OWNER OF LOT WILL AGREE TO INSTALL AN APPROVED SYSTEM AND ABIDE BY THE RULES OF THE SOUTH PLAINS PUBLIC HEALTH DISTRICT OSSF PROGRAM. FOR INFORMATION ON PERMITTING AND INSTALLATION PLEASE CONTACT THE SPPHD DESIGNATED REPRESENTATIVE AT 432 758 4022. INDIVIDUALS FOUND VIOLATING OSSF PROGRAM RULES WILL BE FINED PER TEXAS HEALTH & SAFETY CODE CHAPTER 366 ON-SITE SEWAGE DISPOSAL SYSTEMS, ETC.

PLEASE ALSO ADDRESS LOT SIZE, SOIL SUITABILITY, SLOPE, PLACEMENT OF WELLS TO OSSF, ETC.

NAME

SIGNATURE

DATE

SOUTH PLAINS PUBLIC HEALTH DISTRICT
ON-STE SEWAGE FACILITY VARIANCE REQUEST
FOR LOTS SMALLER THAN 1 ACRE

Variance requests will not be considered on lots purposefully sized smaller than one acre after the effective rule date of September 1, 1989. Variances for lot sizing will only be considered on existing small lots that predate the effective rule date of September 1, 1989, AND when the Authorized Agent (Gaines County) and the South Plains Public Health District are satisfied that all necessary setback requirements listed in Table X of TAC Chapter 285 have been satisfactorily met.

Date: _____ Owner Name: _____ 911 Address: _____

Legal Description: _____

PCT Comm: _____ Contact Number: _____ Precinct Number: _____

Installer: _____ Contact Number: _____ License Number: _____

PE / RS: _____ Contact Number: _____ License Number: _____

Describe Type of Variance Requested and Justification:

Can all required property and water well setbacks as outlined in Table X of TAC 285 be met? Yes___ No___

+++++

OSSF System Designer Official Seal: TX PE or TX RS Only	<p style="text-align: center; margin-top: 0;">For Administrative Use Only</p> <div style="margin-top: 20px;"> _____ Pct. Commissioner </div> <div style="margin-top: 20px;"> _____ OSSF Installer </div> <div style="margin-top: 20px;"> _____ Consulting PE / RS </div> <div style="margin-top: 20px;"> _____ SPPHD Ex. Dir. </div>
License Number: _____	Approved by Gaines County Commissioners Court on this _____ day of _____, 20____.

EXHIBIT C

ROAD STANDARDS

ROAD STANDARDS

These road standards shall apply for all subdivisions or manufactured home rental communities ("MHRC") located in the unincorporated area of Gaines County, Texas:

(1) Preliminary Issues -- These standards are: (a) designed to provide adequate drainage for each street or road in a subdivision or MHRC in accordance with standard engineering practices; (b) designed to provide reasonable specifications relating to the construction of each street or road in accordance with standard engineering practices. As used in this instrument, unless otherwise designated: (a) street and road are synonymous; and (b) a street or road includes the road's travel surface and all other road right of way components, including bar ditches, bridges, culverts, abutments, driveways, fencing, gates and related road or traffic equipment (including traffic signals, devices, delineators, road signs, and barriers).

(2) Main Artery Streets/Roads - Requires shoulder-to-shoulder width on collectors or main arteries within the right of way be not less than 32 feet or more than 56 feet, and that the shoulder-to-shoulder width on any other street or road be not less than 25 feet or more than 35 feet.

(3) Major Thoroughfare Plan — Pursuant to § 232.102 of the Texas Local Government Code, the Commissioners Court may require a right-of-way on a street or road that functions as a major thoroughfare of a width of not more than 120 feet. The designation of a street or road as a main artery street or road, or major thoroughfare street or road, shall be made by the County in its review of the proposed plat or plan.

(4) Alley Streets -- The actual street cut recommendation for alley streets is 20 feet in width, if applicable.

(5) Dead-End Road Turnarounds -- All permanent dead-end streets or roads shall have a turnaround with a right of way diameter of 120 feet.

(6) No Abrupt Set-Off -- No street or road shall be designed, designated, or constructed with an abrupt off-set or "jog" in it.

(7) Adjoining Streets with Other Development -- Where streets in a proposed subdivision or MHRC end at the property line of another adjoining development, the streets / roads in the proposed subdivision or MHRC shall be constructed so as to be a continuation and extension of the existing streets in said adjoining development. All streets and roads shall be designed and constructed so as to permit their continuation or extension into other development in the future.

(8) Brush and Other Material Removal -- Upon completion of construction of each street, road and alley, all trees, brush, rocks, and other material created by said constructions must be removed and/or delivered to an authorized refuse and/or fill site in accordance with state or other law or County regulation.

(9) Subgrade Base -- All roads must be constructed with a subgrade base. The subgrade base material shall be approved by the County in writing. The sub-grade base shall be watered, rolled and bladed to a depth of at least 8 inches before any flexible base material is placed on it.

(11) Flexible Base Roads -- Regarding the construction and placement of flexible base roads, all materials, construction standards, and procedures used for said roads shall conform to the requirements of the most current road construction publication of the Texas Department of Transportation or Texas Highway Department; however, said materials, standards, and procedures must be approved by the County in writing. Should a conflict exist between a provision in the aforementioned state government publication and these Regulations, these Regulations shall control. The flexible base on a road or street shall have a minimum thickness of 8 inches or more after compaction of the authorized base material.

(12) Paved Roads -- Regarding the construction and placement of paved roads, all materials, construction standards, and procedures used for said roads shall conform to the requirements of the most current road construction publication of the Texas Department of Transportation or Texas Highway Department; however, said materials, standards, and procedures must be approved by the County in writing. Should a conflict exist between a provision in the aforementioned state government publication and these Regulations, these Regulations shall control.

(13) Centerline Elevation -- The centerline of each street shall have an elevation of at least 5 inches above the elevation of the edge of the street.

(14) Completion of Construction -- The County may specify that construction of all roads and drainage structures must be completed within six (6) months, or other time period determined by Commissioners, after the subdivision plat or MHRC infrastructure development plan is approved.

(15) Drainage -- All drainage standards adopted by these Regulations which relate to or affect streets and roads are incorporated by reference for all purposes and application regarding this drainage. (See Exhibit D – Drainage)

(16) Additional Provisions — Notwithstanding anything to the contrary stated in this Exhibit, the following additional provisions are adopted and approved for use and application in this Regulation.

(a) All streets/roads dedicated to the public must be constructed using approved road standards. No statement herein guarantees or assures acceptance of the street/road by the Commissioners Court for County maintenance.

(b) From the Effective Date of these Regulations going forward, whether or not it is the Developer's intention to request County maintenance, all private streets/roads or dedicated to the public streets/roads in any subdivision for which a plat has been approved and filed, and all private streets/roads or dedicated to the public streets/roads in any MHRC in which an infrastructure development plan has been approved and filed,

shall comply with the Road Standards set forth herein and as may be further described in the Regulations.

(c) Road Construction Specifications:

Roads:

Minimum right-of-way 80'

Minimum crown width of uncurbed section (All categories) 30'

Minimum width of base material (All categories) 30'

Minimum depth of compacted base material (All categories) 8"

Minimum height of crown (All categories) 1/8" per foot

Maximum height of crown (All categories) 3/8" per foot

Minimum width of each uncurbed one-way lane surface (All categories) 24'

Minimum type surfaces (All categories):

- Asphalt Prime Coat with 2 course asphalt treatment.

**ASPHALT AND ROCK DISTRIBUTION: 3 2 COURSE ROCK AND ASPHALT
PENETRATION SURFACE**

- Rock: 1st course grade 3 rock, 1 cu. Yd. per 80 sq. yd.
- 2nd course grade 4 rock, 1 cu. Yd. per 120 sq. yd.
- Asphalt: The finished base shall be primed prior to application of chip seal with AE-P diluted 50% with water or MC-30 as per manufacturer recommendation. The asphalt emulsions for the double pen chip seal shall be CRS-2P or HFE-100P polymer modified emulsion or equivalent complying with TXDOT item 300 specifications for asphalt emulsions, with: 1st course: 0.48 gal. per sq. yd., and 2nd course: 0.46 gal. per sq. yd.; or Asphalt: A.C.5 —1st course, 0.30 gal per sq. yd., and 2nd course, 0.40 gal per sq. yd.

(d) Subdivisions must have control signs, guardrails, and other safety features installed at required locations on all subdivision rights-of-way dedicated for public use. Culverts and bridges shall be at least as wide as the roadway portions (pavement and shoulders) of the paved streets/roads. Bridge abutments or other drop-offs located at the edge of the shoulder portions of any street/road shall be indicated by installation of protective posts or other devices equipped with reflectorized markers.

(e) Developers and/or Owners are responsible for keeping rights-of-way dedicated to public use clear of tall weeds and brush so that property lines, drainage ditches, and hazardous conditions shall be readily distinguishable.

(f) In cases where the new streets/roads as platted or developed intersect with established streets/roads, the new streets/roads shall be, if practicable, a continuation without offset of any intersecting road and/or street on the opposite side of said established street/road.

(g) Adequate off-street parking space must be provided in business or commercial areas.

(h) Generally, surface drainage from private property taken to streets/roads along the natural course of drainage is desired, but the practice of using streets/roads as major drainage courses is prohibited.

(i) All roadway crossing streams and/or roadways subject to flooding must be rip-rapped on both sides as specified by the County. Concrete used as rip-rap must test 2500 *psi*.

Addendum to Road Standards

SUMMARY OF GAINES COUNTY ROAD STANDARDS

Average Daily Traffic (one-way trips)**	0-1000	1001-2500	2501-5000	5001-15000
Functional Classification	Local Street	Minor Collector	Major Collector	Minor Arterial
Design Speed	25 mph	35 mph	45 mph	55 mph
Number of Lanes	2	2	2	4
ROW Width	60'	60'	70'	100'
Width of Traveled Way	22'	22'	28'	48'
Width of Shoulders	4'	5'	6'	8'
Minimum Centerline Radius	175'	375'	675'	975'
Minimum Tangent Length between Reverse Curves Or Compound Curves	75'	150'	300'	500'
Minimum Radius for Edge of Pavement At intersections	25'	25'	25'	25'
Intersecting Street Angle	80-100	80-100	80-100	80-100
Maximum Grade *	11%	10%	9%	8%
Minimum Street Centerline Offset at Adjacent Intersections	125'	125'	125'	125'
Minimum Stopping Sight Distance	175'	250'	350'	550'
Minimum Intersection Sight Distance	250'	350'	450'	550'
Steepest Ditch Fore Slope Grade	4:1	4:1	4:1	6:1
Flood Design (year event)	10	15	25	25

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

EXHIBIT D

Drainage

DRAINAGE STANDARDS

These drainage standards (including sewer and OSSF standards) shall apply for subdivisions and manufactured home rental communities located in the unincorporated area of Gaines County, Texas:

(1) General Purpose -- These standards are designed to:

- (a) provide adequate drainage for each street or road in the subdivision or MHRC in accordance with standard engineering practices;
- (b) provide drainage to the subdivision or MHRC in order to efficiently manage the flow of storm water runoff in the subdivision;
- (c) coordinate subdivision or MHRC drainage with the general storm drainage pattern for the area in accordance with standard engineering practices; and
- (d) provide and coordinate sewer and OSSF standards for use and application in the Regulations.

(2) Water Conveyance — Lots, spaces, and divided parts shall be graded so that surface or storm water drainage will be conveyed to streets or drainage courses as directly as possible. Drainage water from roads and streets shall be conveyed to defined drainage courses as directly as possible.

(3) Grade Requirements -- The maximum grade of all streets and roads shall be 5.0% unless otherwise approved by the Commissioners Court. The minimum grade of streets and roads shall be 0.2% unless otherwise approved by the Commissioners Court.

(4) Drainage Ditches -- All streets and roads without curbs and gutters shall have drainage ditches adjacent to and running parallel to the said streets and roads. The drainage ditches shall have a minimum depth of 12 inches below the level of the edge of the adjacent street or road.

(5) Permanent Drainage Structures -- Permanent drainage structures, including but not limited to culverts, pipes, drainage boxes, and bridges shall be installed at all crossings of drainage courses, including drainage ditches intersecting with driveways, roads, and streets. The final and exact dimension and type of those structures shall be determined and established by the floodplain for the plat or plan and presented for County review with Plat Application, pursuant to the procedural review requirements described in the Regulations.

(6) Open Drainage Ditch/Channel Design -- Open drainage channels and ditches shall be designed and constructed with a proper cross-slope grade and an alignment which will facilitate proper functioning without destructive velocities of drainage waters. All drainage easements must be of an adequate width to permit drainage and flood control for all land upon which natural drainage runs through the property being considered for development.

(7) Plat or Plan Descriptions — The location, dimension, description, and flow line of all existing and proposed drainage features or structures, and the location, flow line, and floodplain of existing water courses, located in the proposed subdivision or MHRC, and the area of development, must be shown on all plats and plans submitted to the County for review.

(8) Floodplain Requirements — Should the development area of the proposed subdivision or MHRC contain land designated as a floodplain: (a) the plat or plan must clearly describe and depict all floodplain, flood zone, and floodway locations; and (b) any structure to be constructed in the floodplain must have a finished floor elevation established that is a minimum of one foot above the base flood elevation.

(9) Sewerage and/or OSSF Requirements — The Developer must comply with the following sewer or OSSF requirements: (a) all structures designed for human habitation, including structures intended for residential use or occupancy by humans (and including temporary or permanent use), must have an approved sewer system or OSSF system in compliance with minimum state standards and SPPHD standards; (b) structures with a maximum of 1,500 square feet, with 2 bedrooms or less, must have an approved sewer or OSSF system designed for a minimum of 180 gallons per day, including manufactured homes, guest homes, apartments, tiny homes, and other such habitable structures — however, notwithstanding anything to the contrary stated in this paragraph (11), if said habitable structure is a manufactured home located in an MHRC or trailer park, the manufactured home may have an approved sewer or OSSF system designed for a minimum of 50 gallons per day; (c) each structure at minimum must have an approved 750 gallon septic tank preceding a shared drain field or treatment unit; (d) any approved, shared sewer or OSSF system must be designed by a Texas Engineer or Texas REHS/RS; and (e) no holding tanks shall be allowed for approved sewer or OSSF purposes, unless said tanks are immediately necessary for a temporary waste holding situation or event lasting no longer than 3 months, and with weekly pump-out receipts required to be produced to the proper County or SPPHD official to allow temporary holding tank use.

(10) Additional Requirements -- Notwithstanding anything to the contrary stated in this Exhibit, the following matters are incorporated by reference for application and use regarding this Exhibit and the Regulations: (a) all road and street standards adopted by these Regulations which relate to or affect drainage; (b) the active rules and regulations of SPPHD, including its Sewage Facility (OSSF) Program, which relate to or affect drainage; (c) the County's active sewer, septic, or OSSF regulations which relate to or affect drainage; and (d) all other requirements described in these Regulations that relate to or affect drainage.

EXHIBIT E

Fee Schedule

SUBDIVISION APPLICATION AND MHRC APPLICATION FEE SCHEDULE

The following fee schedule is adopted and approved by Gaines County, Texas ("**County**"), regarding subdivision and manufactured home rental community ("**MHRC**") development located in the unincorporated areas of Gaines County, Texas:

(1) Subdivision & MHRC Development Fee Payment -- Regarding proposed subdivision development, all fees shall be paid by the Developer to the County at the time of the submission of the Plat Application, with the exception of the required filing and recording fees pertaining to an approved subdivision plat, which fees shall be paid to the County Clerk by the Developer upon the recording of said documents.

(3) Variance Fee Payment -- Regarding a proposed variance from the application of the County subdivision or MHRC regulations, all fees shall be paid by the Developer to the County at the time of the submission of the variance application. If the variance fee is not submitted with the application, the variance request shall be denied.

(4) Requirements -- All fee amounts described by this schedule shall be paid by the Developer to the County by cashier's check or money order, payable to the order of Gaines County, Texas, and shall be delivered by hand, courier, or mail to the Office of the County Judge, as described the attached Regulations, with the exception of required filing and recording fees, if any, which shall be paid to the County Clerk upon the filing or recording of required documents with said Clerk.

(5) No Partial Payments -- All fees shall be paid in full. No partial fee payments shall be accepted.

(6) Amounts -- The following fee amounts are adopted and approved:

(a) Subdivision or MHRC: A base fee of \$750, plus \$25 per lot, space, or divided part, plus all required filing and recording fees, if any, is required.

Base Fee is composed of an approximate hourly wage for Commissioner and County Judge for time spent reviewing application and inspection of roads.

(b) Variance Request/Subdivision or MHRC A fee of \$100 is required unless it is requested for a septic repair or upgrade.

South Plains Public Health Department has a separate fee for the OSSF program.

EXHIBIT F

Request for Variance/ Exemption Form

Request for Variance / Exemption Form

Date: _____

Owner (Seller) Information:

Name: _____

Mailing Address: _____

City, State, Zip: _____

Telephone: _____

Email: _____

Petitioner Name if Different than Above: _____

Purchaser Information:

Name: _____

Mailing Address: _____

City, State, Zip: _____

Telephone: _____

Email: _____

Property Description: _____

A copy of my Deed with full legal description, including metes and bounds, along with a survey of the proposed property showing boundaries of the lots, adjacent roads, adjacent property owners any streams, rivers, creeks, and lakes or other features that may inhibit emergency vehicles from a timely response.

I do hereby acknowledge that all lots will remain subject to County and State OSSF (Septic) requirements.

Signature of Owner: _____

Printed Name: _____

STATE OF TEXAS COUNTY OF GAINES

This instrument was sworn before me on the _____ day of _____, 20____.

Notary Public, State of Texas

Recommended for Approval:

Department: Yes _____ No _____ If no, Reason: _____

Court Action: Yes _____ No _____

Date: _____

EXHIBIT G

Acknowledgment of Road Standards and Drainage

ACKNOWLEDGMENT CERTIFICATE

STATE OF TEXAS

§

COUNTY OF GAINES

§

BEFORE ME, on this day personally appeared _____, known to me (or proved through documentation) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed. I, _____, acknowledge that I have received **Exhibit C, “Road Standards”**, as well as **Exhibit D, “Drainage”**, which are specific sections within the Gaines County Subdivision And Manufactured Home Rental Community Regulations as Approved and Adopted by the Gaines County Commissioner’s Court.

GIVEN UNDER MY HAND and seal of office this ____ day of _____, 2024.

Signature of Signer

Notary Public, State of Texas

Type of ID _____
Personally Known
Produced Identification