

**SUBDIVISION AND
MANUFACTURED HOME RENTAL
COMMUNITY REGULATIONS**

FOR

GAINES COUNTY, TEXAS

**EFFECTIVE DATE:
FEBRUARY 19, 2020**

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ARTICLE 1 -- ADMINISTRATIVE PROVISIONS

§ 1.1 Enactment

- (A) **County and Governing Body** – Gaines County, Texas (“**County**”) is a duly organized and operating county of the State of Texas, and the Gaines County Commissioners Court (“**Commissioners Court**”) is the governing body of the County.
- (B) **Declaration** – The County, acting by and through its Commissioners Court, declares that these Subdivision and Manufactured Home Rental Community Regulations for Gaines County, Texas (“**Regulations**”) are lawfully enacted, adopted, and approved, and further, that they shall be enforced, pursuant to and in compliance with the express and implied authority herein described.

§ 1.2 Public Purposes

- (A) **Identification** -- These Regulations are enacted, adopted, approved, and shall be enforced to accomplish the following worthwhile public purposes:
 - (1) The Regulations shall govern plats, subdivisions of land, and manufactured home rental communities in the unincorporated area of Gaines County, Texas to promote the health, safety, morals, and general welfare of the county and the safe, orderly, and healthful development of said area, and to prevent colonias or other substandard development.
 - (2) The Regulations shall ensure that adequate plats, design and planning procedures, water, sewer, septic, and on-site sewer facilities (“**OSSF**”), and utility and transportation infrastructure, are provided in the unincorporated area of the county.
 - (3) The Regulations are reasonably enacted, adopted, and approved, and shall be enforced, among other things, to: (a) fulfill an obligation mandated by federal and/or state law; (b) regulate construction and other development in an area designated under law as a federal or state floodplain; (c) regulate sewer and OSSF facilities; (d) prevent waste; (e) protect the rights of owners of interests in groundwater; (f) prevent subsidence; (g) provide a response to a real and substantial threat to public health and safety, said response being designed to significantly advance said purpose and not to impose a greater burden than is necessary to achieve said purpose; (h) regulate water safety; (i) prevent the imminent destruction of property or injury to persons from flooding within a floodplain established by a federal or state flood control program, and enacted to prevent the flooding of buildings intended for public occupancy, as well as other buildings and property; and (j) accomplish all other public purposes herein described.

- (B) **Accomplishment** -- The enactment, adoption, approval, and enforcement of the Regulations shall substantially accomplish or advance all public purposes described in the Regulations.

§ 1.3 Conditions Precedent and Notice

- (A) **Conditions Precedent** -- All notice and conditions precedent for the lawful enactment, adoption, approval, and enforcement of the Regulations have been accomplished.
- (B) **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 the Regulations are as follows:

County Judge
Gaines County, Texas
Gaines County Courthouse
101 South Main Street, Room 201
Seminole, Texas 79360
Telephone: 432-758-5411
Facsimile: 432-758-4031

- § 1.4 Effective Date** -- The effective date ("**Effective Date**") of the Regulations is February 19, 2020.

- § 1.5 Partial Invalidity** -- Should any part of the Regulations, or the application or enforcement thereof, be determined or adjudged invalid by any court, tribunal, administrative agency, or governmental office, the remainder of the Regulations shall remain fully effective and operable.

- § 1.6 Headings** -- The separate headings contained in the Regulations are for reference and convenience only, and shall not limit or otherwise affect in any way the meaning of the Regulations.

- § 1.7 ETJ Regulation** -- The authority of the County to regulate plats or subdivisions of land by the Regulations in the extraterritorial jurisdiction ("**ETJ**") of an incorporated municipality located in Gaines County, Texas is subject to the provisions of an active interlocal governmental agreement made by and between the County and the municipality pursuant to Chapter 242 of the Texas Local Government Code and Chapter 791 of the Texas Government Code.

- § 1.8 Authority** -- The following legal authority, including any amendments thereof, and including the express and implied regulatory authority granted to the County therein, are

hereby approved to support the interpretation, application, use, and enforcement of the Regulations: TEX. CONST. art. 5, § 18; 42 U.S.C. §§ 4001-4027; 44 CFR Ch. I (Subch. B, Parts 59-60); TEX. HEALTH & SAFETY CODE Ch. 341, 343, 364, 366; TEX. LOC. GOV'T CODE Ch. 232 (Subchs. A, E), 233, 235, 242; TEX. LOC. GOV'T CODE §§ 212.013-.016, 232.023, 232.029, 232.030, 232.032, 232.035-.037; TEX. PROP. CODE Chs. 12, 13; TEX. TRANSP. CODE §§ 201.619, 251.003, 251.008; TEX. WATER CODE Chs. 16 (Subchs. I, J); Title 31 TAC Ch. 354 (Subchapters A, B); the County's active flood damage prevention orders or other floodplain management regulations; the County's active sewer, septic, or OSSF orders or regulations; and all other authority described in the Regulations.

ARTICLE 2 -- DEFINITIONS, INTERPRETATION, AND APPENDIX

§ 2.1 Word Usage and Special Definitions

- (A) **Common Usage** -- Unless specially defined in the Regulations, words used in the Regulations shall be interpreted according to their common usage or meaning in order to result in the most reasonable application.
- (B) **Special Definitions** -- Unless otherwise designated, the following special definitions shall apply:
 - (1) **"Business day"** shall mean a day other than a Saturday, Sunday, or holiday recognized by the County.
 - (2) **"Colonias"** shall mean substandard, generally impoverished, rural subdivisions or other developments that lack basic utilities and other infrastructure;
 - (3) **"Commissioners Court"** shall mean means the Commissioners Court of Gaines County, Texas.
 - (4) **"County"** shall mean Gaines County, Texas, including its elected officials, appointed officials, employees, agents, and representatives.
 - (5) **"County Clerk"** shall mean the County Clerk of Gaines County, Texas.
 - (6) **"County Judge"** shall mean the County Judge of Gaines County, Texas.
 - (7) **"Developer" and "Subdivider"** shall mean: (a) the fee simple owner (or authorized agent thereof) of land which is the subject of development; and (b) any owner of land (or authorized agent thereof) proposing to divide or dividing land so as to constitute a subdivision defined by the Regulations.
 - (8) **"Development"** shall mean any actual or proposed man-made change to

improved or unimproved real property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or the storage of equipment or materials.

- (9) **“Drinking water”** shall mean all water distributed by any agency or individual, public or private, for the purpose of: human consumption and/or its use in the preparation of foods or beverages for said consumption; the cleaning of any utensil or article used in the course of preparation or consumption of food or beverages for human beings; human bathing; or clothes washing.
- (10) **“Engineer”** shall mean a person licensed and authorized to practice engineering in the State of Texas pursuant to Texas law, including the Texas Engineering Practice Act.
- (11) **“ETJ”** shall mean the extraterritorial jurisdiction of an incorporated municipality pursuant to Texas law.
- (12) **“Floodplain”** shall mean: (a) any area in the 100-year floodplain or area of special flood hazard that is susceptible of being inundated by water from any source, as identified by the flood maps issued by the Federal Emergency Management Agency (**“FEMA”**) for the County pursuant to the National Flood Insurance Act and NFIP; or (b) if said floodplain has not been identified by FEMA through its issuance of said maps, any area subject to a 1% or greater chance of flooding in any given year.
- (13) **“Foundation”** shall mean the lowest division or part of a residence, building or other structure, usually consisting of a masonry slab or a pier and beam structure, that is partly or wholly below the surface of the ground and on which the structure rests.
- (14) **“LOC”** shall mean an irrevocable letter of credit.
- (15) **“Manufactured home” or “manufactured housing”** shall mean: (a) a manufactured home or mobile home as defined by § 1201.003 of the Texas Occupations Code; and (b) any other type of mobile home, trailer, vehicle, camper, or recreational vehicle designed for use as a dwelling or for the overnight accommodation or lodging of a person.
- (16) **“Manufactured Home Rental Community” or “MHRC”** means a tract of land separated into two or more spaces or lots that are rented, leased, or offered for rent or lease, for a term of less than 60 months without a purchase option, for the installation of manufactured homes for use and occupancy as a residences, as defined by § 232.007 of the Texas Local Government Code.

- (17) **“Minimum state standards” or “minimum state requirements”** shall mean the minimum standards of the State of Texas required for: (a) adequate drinking water pursuant to § 16.343(b)(1) of the Texas Water Code or other state authority; (b) adequate sewer and septic/OSSF facilities under § 16.343(c)(1) of the Texas Water Code, Chapter 366 of the Texas Health and Safety Code, or other state authority; or (c) the treatment, disposal, and management of solid waste and litter under Chapters 361 through 365 of the Texas Health and Safety Code or other state authority.
- (18) **“Model Rules”** shall mean the subdivision regulations described in § 4.1(M) of the Regulations.
- (19) **“NFIP”** shall mean the National Flood Insurance Program effective pursuant to federal law, including: (a) the National Flood Insurance Act, pursuant to Sections 4001-4027, Title 42 of the United States Code; and (b) 44 CFR Ch. I, Subch. B, Parts 59, 60.
- (20) **“Non-public water system”** shall mean any water system supplying water for domestic purposes which is not a public water system.
- (21) **“OSSF”** shall mean an on-site sewage facility (including a septic system) as defined in the rules and regulations adopted by TCEQ, including but not limited to 30 TAC Chapter 285.
- (22) **“Plat” and “Final plat”** shall mean: (a) a plat required by these Regulations; and (b) a map or drawing, and any accompanying material, of a proposed subdivision prepared in a manner suitable for recording in the County records and prepared as described in the Regulations.
- (23) **“Plat Application”** shall mean the County’s Plat Application form described in § 3.2 and **Appendix/Exhibit C/Form 1** of the Regulations.
- (24) **“Platted”** shall mean a plat recorded in an official plat record on file with the office of the County Clerk.
- (25) **“Public water system”** shall mean a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, which includes all uses described in the Regulations under the definition for drinking water. Such a system must have at least 15 service connections or serve at least 25 individuals at least 60 days out of the year. This term includes any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control which are used primarily in connection with

such system. Two or more systems with each having a potential to serve less than 15 connections or less than 25 individuals but owned by the same person, firm, or corporation and located on adjacent land will be considered a public water system when the total potential service connections in the combined systems are 15 or greater, or if the total number of individuals served by the combined systems total 25 or more at least 60 days out of the year. Without excluding other meanings of the terms **“individual”** or **“served,”** an individual shall be deemed to be served by a water system if he lives in, uses as his place of employment, or works in a place to which drinking water is supplied from the system.

- (26) **“Purchaser”** shall include purchasers under executory contracts for conveyance of real property.
- (27) **“REHS/RS”** shall mean a Texas Registered Environmental Health Specialist/Registered Sanitarian holding an active and in good standing registration with either the Texas Department of Health or the Texas Department of Licensing and Registration.
- (28) **“Regulations”** shall mean these Subdivision and Manufactured Home Rental Community Regulations for Gaines County, Texas.
- (29) **“Retail public utility”** shall mean any entity meeting the definition of a retail public utility as defined in § 13.002 of the Texas Water Code.
- (30) **“Sewer,” “Sewer services,” “Sewerage facilities,” and “Sewer facilities”** shall mean: (a) treatment works as defined by § 17.001 of the Texas Water Code, or individual, on-site, or cluster treatment systems (such as septic systems, OSSFs, and related tanks and equipment), and including drainage facilities and other improvements for proper functioning of septic tank systems; and (b) the devices and systems which transport domestic wastewater from residential property, treat the wastewater, and dispose of the treated water in accordance with the minimum state standards contained or referenced in these Regulations.
- (31) **“SPPHD”** shall mean the South Plains Public Health District, a local governmental entity performing sewer, septic, OSSF and/or other development review for the County.
- (32) **“State”** shall mean the State of Texas and its administrative agencies.
- (33) **“Subdivision”** shall mean a division of land described in §§ 3.1 or 4.1(M) of the Regulations. A subdivision includes a re-subdivision (or replat) of land which was previously divided.

- (34) **“Surveyor”** shall mean a Texas Registered Professional Land Surveyor pursuant to Texas law.
- (35) **“TAC”** shall mean the Texas Administrative Code, as compiled by the Texas Secretary of State.
- (36) **“Texas Open Meetings Act”** shall mean Chapter 551 of the Texas Government Code.
- (37) **“TCEQ” or “the Commission”** shall mean the Texas Commission on Environmental Quality.
- (38) **“TPWD”** shall mean the Texas Parks and Wildlife Department.
- (39) **“TWDB”** shall mean the Texas Water Development Board.
- (40) **“Utility”** shall mean a person, public or private entity, or political subdivision providing the services of a public utility (including electric, gas, water, sewer, or other utility service) pursuant to: § 31.002 or Chapter 181 of the Texas Utilities Code; § 101.003 or Chapter 181 of the Texas Utilities Code; § 13.002 of the Texas Water Code; or other Texas statutory authority.
- (41) **“VLB”** shall mean the Texas Veterans’ Land Board.
- (42) **“Water facilities”** shall mean any facilities, devices, and systems which are used in the supply, collection, development, protection, storage, transmission, treatment, or retail distribution of water (including drinking water as defined by the Regulations) for safe human use and consumption.

§ 2.2 Interpretation and Appendix

- (A) **Tense, Gender, and Number** -- Unless otherwise designated, the past, present, or future tense shall each include the other, the masculine, feminine, or neuter gender shall each include the other, and the singular and plural number shall each include the other where necessary for a correct meaning in the Regulations.
- (B) **Incorporation by Reference** -- The following matters are adopted, approved, and incorporated by reference in the Regulations: (1) all statements made in the title page, preamble, and preliminary recitals; (2) all documents in the attached Appendix; and (3) where applicable for the use, operation, and enforcement of these Regulations, all provisions in the County’s active floodplain management, sewer, septic/OSSF, or other development regulations.

- (C) **Minimum Requirements** -- The Regulations shall be considered as minimum requirements and liberally construed in favor of the County.
- (D) **Superseding Effect** -- The Regulations shall supersede, repeal, and replace any subdivision and/or MHRC regulations enacted by the County before the Effective Date.

ARTICLE 3 -- PLAT PROCEDURE

§ 3.1 Plat Required for Division of Land

- (A) **Division Defined** -- Pursuant to § 232.001 of the Texas Local Government Code, the owner of a tract of land in Gaines County, Texas located outside the limits of a municipality must have a plat of the subdivision prepared, and thereafter approved by the Commissioners Court, if the owner divides the tract into two or more parts to lay out: (1) a subdivision of the tract, including an addition; (2) lots; or (3) streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.
- (B) **Scope of Division** -- A division of a tract of land as described in this section is a subdivision for purposes of the Regulations, and includes any such division regardless of whether it is made: (1) by using a metes and bounds description in a deed of conveyance or in a contract contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method; or (2) for the purpose of residential, business, commercial, industrial, or other development.

§ 3.2 Plat Submission and Review

- (A) **Application** -- The County's Plat Application form is described in **Appendix/Exhibit C/Form 1**. It shall be provided at no cost to the public at the office of the County Judge, at the notice address described in § 1.3 of the Regulations. The Plat Application describes all required documentation for submission by the Developer to the County of a completed Plat Application. A completed Plat Application shall constitute: (1) the fully complete and executed application; and (2) the proposed plat and all supporting documents, as herein required.
- (B) **Submission of Completed Application/Notice of Incomplete Application** --
 - (1) A completed Plat Application shall be submitted by the Developer to the County Judge at the notice address described in § 1.3.
 - (2) County acceptance of a submitted Plat Application for review shall not constitute plat approval by the County.
 - (3) Pursuant to § 232.0025(b) of the Texas Local Government Code, if a

Developer submits a Plat Application to the County that does not include all of the documentation or other information required by law and the Regulations, the County shall, not later than the 10th business day after the date the County receives the application, notify the applicant of the missing documents or other information. The County shall allow an applicant to timely submit the missing documents or other information.

- (C) **Review** -- Upon submission of a completed Plat Application, the County will review the application, proposed plat, and supporting documents for completeness, sufficiency, and compliance with these Regulations. The County shall act on the completed application and proposed plat pursuant to the review, approval, approval with conditions, and disapproval procedures and requirements of §§ 232.002 and 232.0025-.0028 of the Texas Local Government Code. Pursuant to said authority, the Commissioners Court:
- (1) must approve a submitted plat by a recorded vote at a public meeting, by an order entered into the official Court minutes, should the plat be: (a) the result a completed Plat Application; (b) supported by a good and sufficient bond or other financial security, if required by the Regulations; and (c) in all things complete, sufficient, and in compliance with all requirements prescribed by law and these Regulations, including the payment of all required fees; and
 - (2) may approve with conditions or disapprove a submitted plat by a recorded vote at a public meeting, by an order entered into the official Court minutes, should: (a) the plat not comply with all requirements prescribed by law and the Regulations; (b) the required fees not be paid; (c) a delinquent ad valorem tax liability exists for the land made the subject of the plat; or (d) the plat not be supported by a good and sufficient bond or other financial security, if required by the Regulations.

ARTICLE 4 -- PLAT SUFFICIENCY, EXCEPTIONS, AND VARIANCE

- § 4.1 **Minimum Plat Standards** -- In order to obtain Commissioners Court approval, and to qualify for recordation in the Official Public Records (Real Property and/or Plat Records) of the County Clerk, the plat must comply with the minimum standards described in this section.
- (A) **Lawful Compliance** -- The plat must comply with all applicable requirements prescribed by law and these Regulations, including the applicable statutes and regulations of the State of Texas and United States government, and their administrative agencies.
 - (B) **Acknowledgment and Recordation** -- The plat on approval must be: (1) acknowledged by the Developer in the manner required for the acknowledgment of deeds; and (2) filed

and recorded in the Official Public Records (Real Property and/or Plat Records) of the County Clerk on or before 90 days from plat approval.

- (C) **Surveyor and Engineer Certification** -- The plat on approval must be signed, sealed, and certified by the registered surveyor and engineer for the Developer, and said surveyor and engineer must be currently licensed and in good standing to practice in Texas.
- (D) **Property Description, Identifying Data, and Signatures** --
 - (1) **General Description** -- The plat must describe the subdivision and all of its parts by a metes and bounds description made as a result of an on the ground survey and inspection, drawn to the required scale and dimensions, and including the following: (a) the subdivision boundary; (b) the internal parts of the subdivision, including all lots, divisions of land, 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; (c) the effective plat date; (d) a location map; (e) the required scale and dimension components; (f) a north point; and (g) all required signatures, dating, certification, supporting documentation, and professional seals required by these Regulations.
 - (2) **Additional Descriptions** -- The plat must describe all identifying data required by these Regulations regarding the subdivision and its surrounding area, including: (a) the name of the subdivision and its owner; (b) any adjoining subdivisions and owners, or adjoining properties and owners; (c) all lots, divisions of land, streets, alleys, squares, parks, or other parts intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to said parts; (d) driveways, common areas, areas dedicated or to be dedicated to public use, and any area to be used by adjacent lot owners or purchasers; (e) rights of way and easements whether of record, apparent on the land, or proposed; (f) natural drains, drainage structures or improvements whether of record, apparent on the land, or proposed; (g) water bodies, water courses, and floodplain boundaries; (h) set-back lines and lot frontages; and (i) restrictive covenants, restrictions, or reservations whether of record or proposed.
- (E) **Survey Data** -- The plat must locate the subdivision with respect to an original corner of the original survey of which it is a part, and at least one exterior corner of the subdivision shall be defined on the plat and located by State Plane Coordinates. Boundary lines must be shown by bearings and distances, and shall include calls for the lines of established surveys, land marks, school districts and other data furnished, sufficient to locate the property described on the ground. All block corners and angles in streets and alleys should be marked by a suitable monument. The plat must contain an arrow indicating the direction of the North point of the compass, and the scale must be prominently shown.

- (F) **Lot/Block Dimension** -- The plat must state the dimensions of, and accurately describe by metes and bounds each lot, block, street, alley, square, park, or other part of the tract, whether said land is intended, or not intended, to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the lot, block, street, alley, square, park, or other part. Lot and block numbers must be arranged in a systematic order and shown on the plat in distinct and legible figures.
- (G) **Water/Sewer/OSSF Disclosures** --
- (1) **Facilities Constructed** -- Should water, sewer, or OSSF facilities (public or private) be required or intended for the subdivision, and be intended to be constructed or installed by the Developer to service the subdivision, the plat must contain or have attached a document that contains the following information by the Developer and his engineer: (a) a detailed description (including the proposed location) of the water, sewer, or OSSF facilities, and any roadways and easements dedicated for the provision of said facilities, that will be constructed or installed to service the subdivision; (b) a statement specifying the date by which said facilities will be fully operable; and (c) a statement that the plat and subdivision comply with (i) minimum state standards regarding the proposed water, sewer, or OSSF facilities or service, (ii) all applicable water, drainage, sewer, or OSSF regulations required by the County's sewer, drainage, septic, or OSSF regulations, (iii) the County's floodplain management regulations, and (iv) these Regulations.
 - (2) **Facilities Not Constructed** -- Should private water wells and/or septic/OSSF facilities be intended for the subdivision, with said facilities not intended to be constructed or installed by the Developer, the plat must contain the following information by the Developer and his engineer to ensure that the plat and subdivision comply, and said proposed facilities shall comply, with: (a) the County's applicable water, drainage, septic/OSSF, and floodplain management regulations; (b) the County's applicable groundwater sufficiency disclosure requirements described in the Regulations; and (c) all applicable minimum state standards related to the proposed water wells and septic/OSSF facilities.
 - (3) **SPPHD Regulation Compliance** -- A subdivision shall conform to the applicable requirements of the active rules and regulations of the South Plains Public Health District, including SPPHD's Sewage Facility (OSSF) Program, and the plat shall contain: (a) a description of such compliance; and (b) certifications by the Developer's engineer and an authorized SPPHD representative regarding such compliance.

- (H) **Drainage** -- The plat must describe the provision of a reasonable drainage plan for the subdivision (including each road or street therein contained) in accordance with standard engineering practice, in compliance with the reasonable drainage standards described in **Appendix/Exhibit A**, in order to efficiently manage the flow of storm water runoff in the subdivision, and to coordinate subdivision drainage with the general drainage pattern for the area, including a description of: (1) the exact location, dimensions, descriptions and flow line of existing and future drainage structures (including bridges or culverts); and (2) the exact location, flow-line, and floodplain of existing water courses within the subdivision. Further, a subdivision shall conform to the applicable requirements of the active regulations of SPPHD, including its Sewage Facility (OSSF) Program, and the plat shall contain: (1) a description of such compliance; and (2) certifications by the Developer's engineer and an authorized SPPHD representative regarding such compliance.
- (I) **Topographical Description** -- The plat must identify the topography of the area and the proposed subdivision by the use of contour lines. The contour lines must be based on: (1) a vertical interval of 5 feet for terrain with a slope of 2 percent or more; (2) a vertical interval of 2 feet for terrain with a slope of less than 2 percent; and (3) data provided by the County, or in lieu thereof, data from any governmental agency or department, the identity of which must be specified on the plat. The plat also must indicate by the use of contour lines any changes in the existing topography proposed by the Developer, and said contour lines must be based on the government data, vertical interval, and slope rates previously identified in this paragraph.
- (J) **Road/Driveway, Lot Frontage, and Floodplain Description** --
- (1) **Road/Driveway** -- The plat must include a description of all roads and driveways in the subdivision. These descriptions and all constructed roads and driveways shall comply with the County's road and drainage standards adopted by the Regulations, including **Appendix/Exhibits A and B**. Prior to any driveways being constructed to connect to existing county or state highway roads, all such driveways and related drainage structures shall be approved by the County.
- (2) **Lot Frontage** -- The plat must include a description of all lot frontages in the subdivision. These descriptions and all lot frontages on the ground shall comply with the following standards pursuant to §§ 232.101, 232.103, 232.107 of the Texas Local Government Code and other authority:
- (a) These Regulations are designed to provide reasonable standards for minimum lot frontages on existing county or other public roads (including lot frontages in relation to curves in a road) in compliance with accepted engineering practice and standards.
- (b) The minimum lot frontage for lots located on county or other public

roads is 100 feet unless otherwise required by state or federal law.

- (3) **Floodplain** -- The plat must describe all land in the subdivision that is located in a floodplain, and contain a certification by the surveyor or engineer for the Developer that: (a) prominently describes and identifies any area of the subdivision that is located in a floodplain, or in the alternative, states that no area of the subdivision is located in a floodplain; and (b) states that the plat and subdivision comply with the County's active floodplain management, sewer, septic/OSSF, or other development regulations related to floodplain prevention, floodplain management, or flooding.
- (K) **Fire Suppression System** -- The following fire suppression system standards pursuant to §§ 232.101, 232.107, and 232.109 of the Texas Local Government Code are adopted and approved regarding a subdivision that is not served by fire hydrants as part of a centralized water system certified by TCEQ as meeting minimum standards for water utility service:

 - (1) **Subdivision with Fewer Than 50 Houses** -- The Developer shall construct a limited fire suppression system for the subdivision with a minimum of 2,500 gallons of storage. The plat must describe and depict the location and components of the fire suppression system.
 - (2) **Subdivision of 50 or More Houses** -- The Developer shall construct a limited fire suppression system for the subdivision with: (a) a minimum of 2,500 gallons of storage with a centralized water system; or (b) 5,000 gallons of storage. The plat must describe and depict the location and components of the fire suppression system.
- (L) **Use of Firearms, Bows, and Arrows** -- Regarding the use of firearms, bows, and arrows, in a subdivision, the following standards are adopted and approved pursuant to §§ 235.020-.045 of the Texas Local Government Code:

 - (1) **Definitions** -- Notwithstanding anything to the contrary stated in these Regulations: (a) this Paragraph L applies to a subdivision which is located in the unincorporated area of the county and for which a plat is required by Chapter 232 of the Texas Local Government Code and these Regulations; (b) **"airgun"** shall mean any gun that discharges a pellet, BB, or paintball by means of compressed air, gas propellant, or a spring, as defined by § 229.001 of the Texas Local Government Code; and (c) **"hunting"** shall mean to hunt (i.e., to capture, trap, take, or kill, or an attempt to capture, trap, take, or kill), as defined by § 1.101 of the Texas Parks and Wildlife Code.
 - (2) **Firearm Use** -- To promote public safety, the Commissioners Court hereby

prohibits the discharge of firearms on lots that are 10 acres or smaller and are located in the unincorporated area of the county in a subdivision; however, this regulation shall not be construed to prohibit the lawful discharge of airguns on the aforesaid lots or as otherwise allowed by law. This regulation does not authorize the Commissioners Court to regulate the transfer, ownership, possession, or transportation of firearms or air guns and does not authorize the Commissioners Court to require the registration of firearms or air guns. Any person is entitled to appropriate injunctive relief to prevent a violation or threatened violation of this regulation from continuing or occurring. A person commits an offense if the person intentionally or knowingly engages in conduct that is a violation of this regulation. An offense under this regulation is a Class C misdemeanor. If it is shown on the trial of an offense under this regulation that the person has previously been convicted of an offense under this section, the offense is a Class B misdemeanor.

- (3) **Bow/Arrow Use** -- To promote public safety, the Commissioners Court hereby prohibits hunting with bows and arrows on lots that are 10 acres or smaller and are located in the unincorporated area of the county in a subdivision. This regulation does not authorize the Commissioners Court to regulate the transfer, ownership, possession, or transportation of bows and arrows and does not authorize the Commissioners Court to require the registration of bows and arrows. Any person is entitled to appropriate injunctive relief to prevent a violation or threatened violation of this regulation from continuing or occurring. A person commits an offense if the person intentionally or knowingly engages in conduct that is a violation of this regulation. An offense under this regulation is a Class C misdemeanor. If it is shown on the trial of an offense under this regulation that the person has previously been convicted of an offense under this section, the offense is a Class B misdemeanor.
- (4) **Plat Disclosure** -- Should a subdivision plat contain a lot or other division of land containing 10 acres of land or smaller, the plat must correctly describe the requirements of this Paragraph L.

(M) **Model Rules Application for Certain Residential Subdivisions** -- Notwithstanding anything to the contrary stated in these Regulations, and pursuant to Subchapter J (including §§ 16.343 and 16.350) of the Texas Water Code, §§ 232.003(8), 232.023, 232.029, 232.030, 232.032, 232.101, and 232.106-.108 of the Texas Local Government Code, Title 31 TAC Chapter 354 (Subchapters A and B), and other authority, the following model subdivision rules (“**Model Rules**”) are approved and applied for use in these Regulations regarding certain residential subdivisions, as hereafter described:

- (1) **Applicability** -- These Model Rules apply only to a residential subdivision:

(a) located in the unincorporated area of the county; (b) for which a plat is required by Chapter 232 of the Texas Local Government Code and the Regulations; and (c) with at least one of the lots of the subdivision containing 5 acres or less.

- (2) **Interpretation** -- Should a conflict exist between an applicable provision in these Model Rules and an applicable provision appearing elsewhere in these Regulations, these Model Rules shall control and be fully operative and effective regarding a residential subdivision described in the immediately preceding subparagraph (1).
- (3) **Purpose and Basic Provisions** -- These Model Rules shall: (a) provide the criteria for assuring that an adequate supply of safe drinking water and adequate, safe sewer facilities are available to residential areas of the subdivision in accordance with state standards established by the Texas Department of Health and TCEQ; (b) prohibit the establishment of residential developments with lots of five acres or less without adequate water supply and sewer services; (c) prohibit more than one single-family, detached dwelling to be located on each subdivision lot; and (d) establish minimum set-backs to ensure proper operation of water supply and sewer services and to reduce the risk of fire hazards. The Model Rules shall promote the public health of the county residents, to ensure that adequate water and wastewater facilities are provided in the aforesaid subdivisions within the jurisdiction of this county, and to apply the minimum state standards for water and wastewater facilities to said subdivisions.
- (4) **Presumption** -- These Model Rules apply only to a residential subdivision with at least one lot containing 5 acres or less. Lots of five acres or less are presumed to be for residential purposes unless the land is restricted to nonresidential uses on the final plat and in all deeds and contracts for deeds. The establishment of a residential development with one or more lots of five acres or less where the water supply and sewer services do not meet the minimum standards of the Model Rules is prohibited.
- (5) **Effective Date** -- These Model Rules are effective on the Effective Date.
- (6) **Division of Land Rule** -- The owner or Subdivider of a tract of land located outside the corporate limits of a municipality that divides the tract in any manner that creates at least one lot five acres or less intended for residential purposes must have a plat of the subdivision prepared.
- (7) **Plat Approval** -- No subdivided land shall be sold or conveyed until the Subdivider has: (a) received County approval of a final plat of the tract; and (b) filed and recorded said plat with the County Clerk of the county in

which the tract is located.

- (8) **Scope of Land Division** -- A subdivision of a tract under these Model Rules includes a subdivision of real property by any method of conveyance, including a contract for deed, oral contract, contract of sale, or other type of executory contract, regardless of whether the subdivision is made by using a metes and bounds description.
- (9) **Plat Requirements** -- A plat required by these Model Rules shall contain the following:
 - (a) The plat shall be certified by a surveyor or engineer registered to practice in this state.
 - (b) The plat shall define the subdivision by metes and bounds.
 - (c) The plat shall locate the subdivision with respect to an original corner of the original survey of which it is a part.
 - (d) The plat shall describe each lot by metes and bounds, number each lot in progression, and give the dimensions of each lot.
 - (e) The plat shall state the dimensions of and accurately describe each lot, street, alley, square, park, or other part 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 street, alley, square, park, or other part.
 - (f) The plat shall include or have attached a document containing a description in English and Spanish of the water and sewer facilities, and roadways and easements dedicated for the provision of water and sewer facilities, that will be constructed or installed to service the subdivision and a statement specifying the date by which the facilities will be fully operable.
 - (g) The plat shall have attached a document prepared by an engineer registered to practice in this state certifying that (i) the water and sewer service facilities proposed under the immediately preceding subparagraph (f) are in compliance with these Model Rules, and (ii) a certified estimate of the cost to install the water and sewer service facilities.
 - (h) The plat shall provide for drainage in the subdivision to efficiently manage the flow of stormwater runoff and coordinate subdivision

drainage with the general storm drainage pattern for the area, and further, shall: (i) comply with the reasonable drainage standards described in § 4.1(H), § 5.4, and **Appendix/Exhibit A** of the Regulations; and (ii) include a description of those drainage requirements for the subdivision.

- (i) The plat shall identify the topography of the area.
- (j) The plat shall include a certification by a surveyor or engineer registered to practice in this state describing any area of the subdivision that is in a floodplain or stating that no area is in a floodplain;
- (k) The plat shall include certification that the Subdivider has complied with the requirements of § 232.032, Texas Local Government Code, and that: (i) the water quality and connections to the lots meet, or will meet, the minimum state standards; (ii) sewer connections to the lots or septic tanks meet, or will meet, the minimum requirements of state standards; (iii) electrical connections provided to the lots meet, or will meet, the minimum state standards; and (iv) gas connections, if available, provided to the lots meet, or will meet, the minimum state standards. A Subdivider may meet the requirements of this provision through the use of a certificate issued by the appropriate County or state official having jurisdiction over the approval of septic systems stating that lots in the subdivision can be adequately and legally served by septic systems.
- (l) The Subdivider of the tract must acknowledge the plat by signing the plat and attached documents and attest to the veracity and completeness of the matters asserted in the attached documents and in the plat.
- (m) The plat must be filed and recorded with the County Clerk. The plat is subject to the filing and recording provisions of § 12.002 of the Texas Property Code.
- (n) The Plat Application shall include a digital map that is compatible with other mapping systems used by the County and that georeferences the subdivision plat and related public infrastructure using the Texas Coordinate Systems adopted under § 21.071 of the Natural Resources Code. An exemption from this requirement is granted if the Subdivider submits with the application an acknowledged statement indicating that the digital mapping technology necessary to submit a map that complies with this

provision was not reasonably accessible.

- (o) The plat shall comply with: (a) the standards of Division 2 and the requirements of Division 3 of Subchapter B of 31 TAC Chapter 364; and (b) the other standards and requirements of the Regulations, where not in conflict with this § 4.1(M).

(10) Water Facilities Development/Public Water Systems --

- (a) **Agreement with Retail Public Utility --** Subdividers who propose to supply drinking water by connecting to an existing public water system must provide a written agreement with the retail public utility in substantially the form attached in Appendix 1A of 31 TAC § 364.32. The agreement must provide that the retail public utility has or will have the ability to supply the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years. The agreement must reflect that the Subdivider has paid the cost of water meters and other necessary connection equipment, membership fees, water rights acquisition costs, or other fees associated with connection to the public water system so that service is available to each lot upon completion of construction of the water facilities described on the final plat.
- (b) **CCN Acquisition --** Where there is no existing retail public utility to construct and maintain the proposed water facilities, the Subdivider shall establish a retail public utility and obtain a Certificate of Convenience and Necessity (“CCN”) from the Commission (or the Texas Public Utility Commission if CCN issuance is required by law from that administrative agency). The public water system, the water quality and system design, construction and operation shall meet the minimum criteria set forth in 30 TAC §§ 290.38-290.51 and §§ 290.101-290.120. If groundwater is to be the source of the water supply, the Subdivider shall have prepared and provide a copy of a groundwater availability study that complies with the requirements of 30 TAC §§ 230.1 through 230.11 for water availability for new public water supply systems and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply, the Subdivider shall provide evidence that sufficient water rights have been obtained and

dedicated, either through acquisition or a wholesale water supply agreement that will provide a sufficient supply to serve the needs of the subdivision for not less than 30 years.

- (11) **Water Facilities Development/Non-Public Water Systems --** Where individual wells or other non-public water systems are proposed for the supply of drinking water to residential establishments, the Subdivider shall have prepared and provide a copy of a groundwater availability study that complies with the requirements of 30 TAC §§ 230.1 through 230.11 for individual water supply wells on individual lots and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. The water quality of the water produced from the test well must meet the standards of water quality required for community water systems as set forth in 30 TAC §§ 290.104, 290.106, 290.108 and 290.109, either: (a) without any treatment to the water; or (b) with treatment by an identified and commercially available water treatment system.
- (12) **Water Facilities Development/Transportation of Potable Water --** The conveyance of potable water by transport truck or other mobile device to supply the domestic needs of the subdivision is not an acceptable method, except on an emergency basis. Absence of a water system meeting the standards of these rules due to the negligence of the Subdivider does not constitute an emergency.
- (13) **Wastewater Disposal/Organized Sewerage Facilities --**
 - (a) **Waste Disposal Permit Acquisition --** Subdividers who propose the development of an organized wastewater collection and treatment system must obtain a permit to dispose of wastes from the Commission (or the Texas Public Utility Commission if permit issuance is required by law from that administrative agency) in accordance with 30 TAC Chapter 305 and obtain approval of engineering planning materials for such systems under 30 TAC Chapter 317 from TCEQ.
 - (b) **Agreement with Retail Public Utility --** Subdividers who propose to dispose of wastewater by connecting to an existing permitted facility must provide a written agreement in substantially the form attached in Appendix 1B of 31 TAC § 364.33 with the retail public utility. The agreement must provide that the retail public utility has or will have the ability to treat the total flow anticipated from the ultimate

development and occupancy of the proposed subdivision for a minimum of 30 years. The agreement must reflect that the Subdivider has paid the cost of all fees associated with connection to the wastewater collection and treatment system and that said fees have been paid so that service is available to each lot upon completion of construction of the wastewater facilities described on the final plat. Engineering plans for the proposed wastewater collection lines must comply with 30 TAC Chapter 317.

(14) **Wastewater Disposal/On-Site Sewerage Facilities (OSSF) --**

- (a) **Wastewater Disposal** -- On-site facilities which serve single family or multi-family residential dwellings with anticipated wastewater generations of no greater than 5,000 gallons per day must comply with 30 TAC Chapter 285.
- (b) **Sewage Disposal** -- Proposals for sewerage facilities for the disposal of sewage in the amount of 5,000 gallons per day or greater must comply with 30 TAC Chapter 317.
- (c) **Commission Review and Inspections** -- The Commission or its authorized agent shall review proposals for on-site sewage disposal systems and make inspections of such systems as necessary to assure that the system is in compliance with the Texas Health and Safety Code, Chapter 366 and rules in 30 TAC Chapter 285, and in particular §§ 285.4, 285.5 and 285.30-285.39. In addition to the unsatisfactory on-site disposal systems listed in 30 TAC § 285.3(i), pit privies and portable toilets are not acceptable waste disposal systems for lots platted under these rules.

(15) **Greywater Systems for Reuse of Treated Wastewater/Organized Sewerage Systems** -- Any proposal for sewage collection, treatment and disposal which includes greywater reuse shall meet minimum criteria of 30 TAC Chapter 210 promulgated and administered by the Commission.

(16) **Greywater Systems for Reuse of Treated Wastewater/On-Site Sewerage Facilities** -- Any proposal for on-site sewage disposal which includes provisions for greywater use shall meet the minimum criteria of 30 TAC Chapter 285.

- (17) **Sludge Disposal** -- The disposal of sludge from water treatment and sewerage facilities shall meet the criteria of 30 TAC Chapter 312 and Chapter 317.
- (18) **Set-backs** -- In areas that lack a nationally recognized fire code as described in §§ 233.061-.062 of the Texas Local Government Code, and also lack water lines sized for fire protection, set-backs from roads and right-of-ways shall be a minimum of 10 feet, set-backs from adjacent property lines shall be a minimum of five feet, and shall not conflict with separation or set-back distances required by rules governing public utilities, on-site sewerage facilities, or drinking water supplies. Notwithstanding anything to the contrary stated in this paragraph (18), set-back lines required elsewhere in the County's orders or rules (including these Regulations) shall control to the extent greater set-backs are therein required.
- (19) **Number of Dwellings Per Lot** -- No more than one single family detached dwelling shall be located on each lot. A notation of this restriction shall be placed on the face of the final plat. This restriction shall be placed in all deeds and contracts for deeds for real estate sold within the subdivision. Proposals which include multi-family residential shall include adequate, detailed planning materials as required for determination of proper water and wastewater utility type and design.
- (20) **Plat Application** -- An application for approval of a plat shall be filed by the record owner/Subdivider of the property to be subdivided (or the duly authorized agent thereof) with the County Judge at the notice address described in § 1.3 of these Regulations.
- (21) **Final Engineering Report/General Requirements** -- The final plat shall include on the plat or have attached to the plat an engineering report bearing the signed and dated seal of a professional engineer registered in the State of Texas. The engineering report shall discuss the availability and methodology of providing water facilities and wastewater treatment to individual lots within the subdivision. A detailed cost estimate per lot acceptable to the county shall be provided for those unconstructed water supply and distribution facilities and wastewater collection and treatment facilities which are necessary to serve each lot of the subdivision. The plan shall include a construction schedule for each significant element needed to provide adequate water or wastewater facilities. If financial guarantees are to be provided under 31 TAC § 364.54, the schedule shall include the start dates and completion dates.

(22) Final Engineering Report/Public Water Systems --

- (a) Agreement with Retail Public Utility --** Where water supplies are to be provided by an existing public water system, the Subdivider shall furnish an executed contractual agreement between the Subdivider and the retail public utility in substantially the form attached in Appendix 1A and referenced in 31 TAC § 364.32(a)(1). Before final plat approval, plans and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project, which may include in addition to the County, the Commission and the County health department, if any. If groundwater is to be the source of the water supply, the final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC §§ 230.1 through 230.11 for water availability for a public water supply systems and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision.
- (b) CCN Acquisition --** Where there is no existing retail public utility to construct and maintain the proposed water facilities, the Subdivider shall establish a retail public utility and obtain a CCN from the Commission (or the Texas Public Utility Commission if CCN issuance is required by law from that administrative agency) and include evidence of the CCN issuance with the plat. Before final plat approval, plans and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project. If groundwater is to be the source of the water supply, the final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC §§ 230.1 through 230.11 for water availability for a public water supply systems and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply then the final engineering report shall include evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 years.

(23) **Final Engineering Report/Non-Public Water Systems --** Where individual wells are proposed for the supply of drinking water to residences, the final engineering report shall include the quantitative and qualitative results of sampling the test wells in accordance with 31 TAC § 364.32. The results of such analyses shall be made available to the prospective property owners. If the water quality of the test well required pursuant to 31 TAC § 364.32(b) does not meet the water quality standards as set forth in that section without treatment by an identified and commercially available water treatment system, then the final report must state the type of treatment system that will treat the water produced from the well to the specified water quality standards, the location of at least one commercial establishment within the county at which the system is available for purchase, and the cost of such system, the cost of installation of the system, and the estimated monthly maintenance cost of the treatment system. The final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC §§ 230.1 through 230.11 for water availability for individual water supply wells on individual lots and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. The description of the required sanitary control easement shall be included.

(24) **Final Engineering Report/Organized Sewerage Facilities --**

(a) **Agreement with Retail Public Utility --** Where wastewater treatment is to be provided by an existing retail public utility, the Subdivider shall furnish evidence of a contractual agreement between the Subdivider and the retail public utility in substantially the form attached in Appendix 1B and referenced in 31 TAC § 364.33(a)(2). Before final plat approval, an appropriate permit to dispose of wastes shall have been obtained from the Commission and plans and specifications for the proposed wastewater collection and treatment facilities shall have been approved by all entities having jurisdiction over the proposed project.

(b) **CCN Acquisition --** Where there is no existing retail public utility to construct and maintain the proposed sewerage facilities, the subdivider shall establish a retail public utility and obtain a CCN from the Commission (or the Texas Public Utility Commission if CCN issuance is required by law from that administrative agency). Before final plat approval, a wastewater treatment permit authorizing the treatment of the wastewater for the ultimate build-out population of the subdivision shall have been obtained from the Commission

(or the Texas Public Utility Commission if permit issuance is required by law from that administrative agency), and plans and specifications for the proposed sewerage facilities shall have been approved by all entities having jurisdiction over the proposed project.

- (25) **Final Engineering Report/On-Site Sewerage Facilities (OSSF)** -- Where private on-site sewerage facilities are proposed, the final engineering report shall include planning materials required by 30 TAC § 285.4(c), including the site evaluation described by 30 TAC § 285.30 and all other information required by the County's OSSF order.
- (26) **Additional Plat Information** -- The following additional information necessary to determine the adequacy of proposed water and wastewater improvements as part of the plat approval process shall be submitted by the Subdivider to the County and described on the proposed plat: (a) layout of proposed street and drainage work; (b) legal description of the property; (c) existing area features; (d) topography; (e) floodplains; (f) existing easements; (g) layout of other utilities; (h) notation of deed restrictions; (i) public use areas; (j) proposed area features; and (k) the other matters described for plats in § 4.1 and Articles 5 and 6 of these Regulations, if not in conflict with this Section 4.1(M).
- (27) **Financial Guarantee/Applicability** -- If an adequate public or non-public water system or sewerage facility is not available from a retail public utility, or are not constructed by the Subdivider, to serve lots intended for residential purposes of five acres or less at the time final plat approval is sought, then the Commissioners Court shall require the owner/Subdivider of the subdivided tract to execute an agreement with the County in substantially the form attached in Appendix 2A of 31 TAC § 364.54 secured by a bond, irrevocable letter of credit, or other alternative financial guarantee such as a cash deposit which meet the following requirements.
- (28) **Financial Guarantee/Bonds** -- A bond or financial guarantee shall meet the following requirements:
 - (a) **Payable to County Judge** -- The bond or financial guarantee shall be executed by the Subdivider and his surety, and shall be payable to the County Judge or his successor in office, and in his official capacity.
 - (b) **Amount** -- The bond or financial guarantee shall be an amount determined by the Commissioners Court adequate to ensure proper construction or installation of the public or

non-public water facilities and wastewater facilities to service the subdivision, including reasonable contingencies, but in no event shall the amount of the bond be less than the total amount needed to serve the subdivision as established by the engineer who certifies the plat.

- (c) **Surety** -- The bond shall be executed by a corporate or other business entity surety as may be approved by the Commissioners Court. The County's criteria for acceptability of the surety includes the following: (i) the surety must be registered with the Texas Secretary of State and be authorized to do business in Texas; (ii) the surety must have authority to issue bonds in the amount required by the Commissioners Court; and (iii) the surety must have a rating of at least B from Best's Key Rating Guide -- or if the surety company does not have any such rating due to the length of time it has been a surety company, the surety must demonstrate eligibility to participate in the surety bond guarantee program of the Small Business Administration of the United States government and must be an approved surety company listed in the current United States Department of Treasury Circular 570. Such bonds shall meet the criteria contained in the rules and regulations promulgated by the United States Department of Treasury.
- (d) **Bond Conditions** -- The bond shall be conditioned upon construction or installation of water and wastewater facilities meeting criteria established by 31 TAC Chapter 364, Subchapter B, Division 2, and upon construction of facilities within the time stated on the plat, or on the document attached to the plat for the subdivision, or within any extension of time granted by the Commissioners Court.

(29) **Financial Guarantee/Letter of Credit** -- A letter of credit shall meet the following requirements:

- (a) **Financial Institution Qualifications** -- Any LOC submitted as a financial guarantee for combined amounts greater than \$10,000 and less than \$250,000 must be from financial institutions which meet the following qualifications:
 - (i) Banks must be: federally insured, with a Sheshunoff Sheshunoff rating of 10 or better; with primary capital of at least 6.0% of total assets; and with total

assets of at least \$25 million.

- (ii) Savings and loan associations must be: federally insured; with tangible capital of at least 1.5% of total assets; and with total assets greater than \$25 million, or tangible capital of at least 3.0% of total assets if total assets are less than \$25 million; and with a Sheshunoff rating of 30 or better.
 - (iii) Other financial institutions must have the following: the LOC must be 110% collateralized by an investment instrument that would meet the qualifications for a county investment; and the investment instrument must be registered in the County's name, and the County must receive safekeeping receipts for all collateral before the LOC is accepted.
- (b) **Additional Qualifications** -- Any LOC submitted as a financial guarantee for combined amounts greater than \$250,000 must be from financial institutions which meet the following qualifications:
 - (i) Banks must be: federally insured; with a Sheshunoff rating of 30 or better; with primary capital of at least 7.0% of total assets; and with total assets of at least \$75 million.
 - (ii) Savings and loan associations must be: federally insured; with tangible capital of at least 3.0% of total assets; with total assets greater than \$75 million, or tangible capital of at least 5.0% of total assets if total assets are less than \$75 million; and with a Sheshunoff rating of 30 or better.
 - (iii) Other financial institutions must have the following: the LOC must be 110% collateralized by an investment instrument that would meet the qualifications for a county investment; and the investment instrument must be registered in the County's name and the County must receive safekeeping receipts for all collateral before the LOC is accepted.

- (c) **Sole Beneficiary and Approval** -- The LOC shall list as sole beneficiary the County Judge in his official capacity, or his successor in office, and must be approved by the Commissioners Court. The LOC form shall be the form attached in Appendix 2B of 31 TAC § 364.54.
 - (d) **LOC Conditions** -- The LOC shall be conditioned upon installation or construction of water and wastewater facilities meeting the criteria established under 31 TAC Chapter 364, Subchapter B, Division 2, and upon construction of facilities within the time stated on the plat, or on the document attached to the plat for the subdivision, or within any extension of time granted by the commissioners court.
- (30) **Amount of Financial Guarantee** -- The County will determine the amount of the bond, letter of credit, or cash deposit required to ensure proper construction of adequate water and wastewater facilities in the subdivision.
- (31) **Alternative to Financial Guarantee** -- The County may approve a final plat without receiving a financial guarantee in the name of the County if:
(a) the property being subdivided lies wholly within the jurisdiction of the County; (b) the property being subdivided lies wholly within the extra-territorial jurisdiction of a municipality; and (c) the municipality has executed an interlocal agreement with the County that imposes the obligation on the municipality to (i) accept the bonds, letters of credit, or other financial guarantees, that meet the requirements of 31 TAC § 364.54, (ii) execute the construction agreement with the Subdivider, and (iii) assume the obligations to enforce the terms of the financial guarantee under the conditions set forth therein and complete construction of the facilities identified in the construction agreement.
- (32) **Review and Approval of Final Plats** --
- (a) **Scope of Review** -- The County will review the final plat to determine whether it meets the standards of Division 2 and the requirements of Division 3 of 31 TAC Chapter 364, Subchapter B.
 - (b) **Approval/Disapproval Authority** -- The County shall refuse to approve a plat if it does not meet the requirements prescribed by or under these Model Rules. The procedures and legal authority described by § 3.2 of these Regulations are incorporated by reference and shall be applied for plat review regarding these Model Rules.

- (c) **Prerequisites to Approval** -- Final plat approval shall not be granted unless the Subdivider has: (i) dedicated the sites for the adequate water and sewerage facilities identified in the final plat to the appropriate retail public utility responsible for operation and maintenance of the facilities – and also provided evidence that the water facilities and sewerage facilities have been constructed and installed in accordance with the criteria established within these Model Rules and the approvals from the Commission of the plans and specifications for such construction, including any change orders filed with these agencies; or (ii) obtained all necessary permits for the proposed water facilities and sewerage facilities (other than for OSSF permits on individual lots within the proposed subdivision) and has entered into a financial agreement with the County secured by a bond or other alternative financial guarantee such as a cash deposit or letter of credit for the provision of water and sewerage facilities with the bond or financial guarantee meeting the criteria established in Division 3 of 31 TAC Chapter 364, Subchapter B.

(33) **Time Extensions for Providing Facilities/Base Rule --**

- (a) **Reasonableness** -- The Commissioners Court may extend, beyond the date specified on the plat or on the document attached to the plat, the date when the required water and sewer service facilities must be fully operable if: (i) the original financial guarantees provided with the plat are effective for the requested extension or new financial guarantees complying with 31 TAC § 364.54 are submitted which will be effective for the extension; and (ii) the Court finds the extension reasonable and not contrary to the public interest.
- (b) **Timeliness** -- If the facilities are fully operable before the extension expiration, the facilities are considered to have been made fully operable in a timely manner.
- (c) **Unreasonableness** -- An extension is not reasonable if it allows a residence to be inhabited without water or sewer services that meet the standards of 31 TAC Chapter 364, Division 2.

(34) **Time Extensions for Providing Facilities/Special Rule --**

- (a) **Authority and Scope --** This paragraph: (i) applies only to tracts that were divided into two or more parts to lay out a subdivision before September 1, 1989 and have not been platted or recorded; and (ii) is in addition to the authority of the County to grant a delay or variance pursuant to Local Government Code § 232.043 or a rule of the County adopted pursuant to such provision.
- (b) **Purpose --** It is the purpose of this provision to promote the public health of the county residents, to ensure that adequate water and sewerage facilities are provided in subdivisions within the jurisdiction of this county, and to establish the minimum standards for pre-1989 subdivisions for which no plat has been filed or recorded in the records of the County.
- (c) **Required Plat --** In the event that the owner of tract of land located outside the limits of a municipality who subdivided the tract into two or more parts to lay out a subdivision of the tract prior to September 1, 1989, including an addition, or to lay out suburban lots or building lots, and to lay out 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, was legally obligated to, but has failed to have a plat of the subdivision prepared, approved by the Commissioners Court and filed, the owner of a residential lot which was created by the subdivision may have a plat of the individual lot prepared and approved by the Commissioners Court as provided in this provision in lieu of the filing of a plat of the subdivision.
- (d) **Special Criteria --** The Commissioners Court may approve the plat of a residential lot which does not comply with 31 TAC §§ 364.15(b) (sale restrictions), 364.36 (set-backs), 364.37 (number of dwellings per lot), 364 (Final Engineering Report), and 364.5 (financial guarantees for improvements) as applied to an individual subdivided lot if such approval is in harmony with the general purpose and intent of these Model Rules so that the public health, safety, and welfare may be secured and substantial justice done.
- (e) **Joint Requests --** Owners of individual lots in a single

unplatted subdivision may file a joint request for approval of their respective individual residential lots.

- (f) **Application --** An application for approval of the plat of an individual lot shall be made in writing. The application shall state specifically the chapter, section, or subsection with which the plat does not comply and from which a waiver is being requested. The application shall contain available information and documentation which supports the requested approval. The applicant shall also provide such additional documentation as the Commissioners Court may request to support the application, including: (i) a copy of a dated plat, sales contract, utility records, or other acceptable documentation that the subdivision occurred prior to September 1, 1989; (ii) the name and address of the original Subdivider or the Subdivider's authorized agent, if known; (iii) a survey and plat of the lot for which approval is requested, showing existing residences, roads, and utilities; and (iv) a deed, an affidavit of ownership or other evidence of ownership of the lot for which approval is requested.
- (g) **Plat Approval --** Approval of plats of individual lots shall be granted subject to the limitations of state law, and based on written findings by the Commissioners Court that: (i) the lot for which approval is requested is within a tract that was subdivided prior to September 1, 1989, and is not owned by the original Subdivider; (ii) a plat was required for the subdivision, but has not been filed with the County by the Subdivider legally obligated to file it; (iii) an existing, currently occupied residential dwelling is located on the lot; (iv) existing water and sewer services which comply with the minimum standards set forth in these Model Rules are available to the lot; and (v) the request is reasonable, compliance with specified sections of these Model Rules is impractical, and a waiver is not contrary to the public health and safety.
- (h) **Final Determination --** The Commissioners Court shall make the final decision on an application for a waiver, following review and recommendation by the Commissioners Court. The applicant may withdraw a request for a waiver at any point in the process. If the requested waiver application is approved by the

Commissioners Court, the County shall issue a certificate stating that a plat of the residential lot has been reviewed and approved.

- (35) **Oversight** -- The owner, by submitting a plat, acknowledges the authority of the County and state agencies to lawfully enter and inspect property for purposes of execution of their statutory duties. Such inspection will not release the owner from any obligation to comply with the requirements of these Model Rules.
- (36) **General Enforcement Authority** -- These Model Rules are enforceable pursuant to the specific provisions of said regulations related to enforcement and state law, including: Chapter 7 and §§ 16.352 through 16.356 of the Texas Water Code; §§ 232.035 through 232.037 and § 232.080 of the Texas Local Government Code, and the other applicable enforcement authority recited in the Regulation or state law.
- (37) **Developer Responsibility Upon Plat Approval** -- Pursuant to §§ 232.101, 232.023, 232.032, and 232.106-.108 of the Texas Local Government Code, a Subdivider having an approved plat for a subdivision shall include certification on the plat that:
 - (a) the Subdivider has complied with the requirements of Section 232.032 of the Texas Local Government Code (relating to special compliance requirements regarding water, sewer and/or OSSF facilities, roads, adequate drainage, electric utility service, and gas utility service);
 - (b) the water quality and connections to the lots meet, or will meet, the minimum state standards;
 - (c) sewer connections to the lots or septic tanks meet, or will meet, the minimum requirements of state standards;
 - (d) electrical connections provided to the lot meet, or will meet, the minimum state standards; and
 - (e) gas connections, if available, provided to the lot meet, or will meet, the minimum state standards.
- (N) **Utility Connection Requirements** -- Pursuant to §§ 232.101 and 232.106-.107 of the Texas Local Government Code, the utility connection requirements of § 232.029 (and the statutes therein described) of the Texas Local Government Code are adopted and approved for application and use in these Regulations, and the contents of those statutes are

incorporated by reference, as described in **Appendix/Exhibit E**.

- (O) **Purchase Contract Disclosure** -- Pursuant to § 232.003 of the Texas Local Government Code, each purchase contract between a Developer and a purchaser of land in the subdivision, and any approved subdivision plat, must contain a statement describing the extent to which water will be made available to the subdivision, and if water will be made available to the subdivision, how and when water will be made available.
- (P) **Groundwater Sufficiency Disclosure Statement** -- Pursuant to § 232.0032 of the Texas Local Government Code, if the source of the water supply intended for the subdivision is groundwater under that land, the Plat Application and plat shall have attached to it a statement that: (1) is prepared for the Developer by an engineer or geoscientist licensed to practice in Texas; and (2) certifies that adequate groundwater is available for the subdivision pursuant to minimum state standards. The form and content of this certification shall be in compliance with all applicable rules of TCEQ as required by said § 232.0032. Should this plat certification be required, the Developer also shall transmit to the TWDB, and any groundwater conservation district that includes in the district's boundaries any part of the subdivision, as required by said §232.0032 and the applicable rules of TCEQ and TWDB, information that would be useful in: (1) performing groundwater conservation district activities; (2) conducting regional water planning; (3) maintaining the state's groundwater base; or (4) conducting studies for the state related to groundwater. Prior to the approval, if any, of the plat by the Commissioners Court, the Developer shall confirm and verify in writing to the Commissioners Court that all required information pursuant to said §232.0032 has been transmitted to the TWDB and an applicable groundwater conservation district, if required by this provision.
- (Q) **Plat Format** -- The Plat Application must include a digital map that is: (1) compatible with other mapping systems used by the County and that georeferences the subdivision plat and related public infrastructure using the Texas Coordinate Systems adopted under Section 21.071 of the Texas Natural Resources Code; and (2) in a format widely used by common geographic information system software. An exemption from this requirement shall exist if the Developer submits with the Plat Application an acknowledged statement indicating that the digital mapping technology necessary to submit a map that complies with this subsection was not reasonably accessible. The plat must be prepared on mylar, or by the use of other material and methods of a permanent nature in general use by the engineering profession. The plat must be drawn to scale on sheets of the following dimension: 18 inches by 24 inches. The original plat (including all required and attached documents) and 1 clearly marked, same-size copy of the plat shall be provided to the County. Six reduced copies of the plat (in a dimension of either 8.5 inches by 11 inches, or 11 inches by 17 inches, also shall be provided to the County. The plat must be drawn according to the following scale: (1) 1 inch to 100 feet; or (2) 1 inch to 200 feet. Linear dimensions shall be shown in feet and hundredths of 1 foot. Angle dimension shall be shown in degrees, minutes, and seconds. Curve dimensions shall be shown through radius, arc, chord distance, and bearing.

- (R) **Building or Set-Back Lines** -- Pursuant to Sections 232.104 and 233.032 of the Texas Local Government Code, and for the promotion of the general welfare and safety of the public, the following standards are hereby established, adopted, and approved for building or set-back lines on subdivision lots: no new building on subdivision lots may be located closer than (1) 25 feet from the edge of the right-of-way of all public roads, and (2) 20 feet from the property line of said lots.
- (S) **Limitations Regarding County Construction/Maintenance Obligations** -- The plat must contain the following statements regarding the express limitations imposed regarding County construction or maintenance obligations:

- (1) Relating to any public dedication on the plat:

FOR ANY LAND, ROAD, EASEMENT, IMPROVEMENT, FACILITY, OR OTHER PROPERTY DEDICATED FOR PUBLIC USE ON THIS PLAT, AND UPON APPROVAL, IF ANY, OF THIS PLAT BY THE GAINES COUNTY COMMISSIONERS COURT, GAINES COUNTY EXPRESSLY DOES NOT ACCEPT FOR CONSTRUCTION OR MAINTENANCE PURPOSES SAID DEDICATED PROPERTY. UPON PLAT APPROVAL, THE CONSTRUCTION OR MAINTENANCE OF SAID PROPERTY SHALL REMAIN THE RESPONSIBILITY OF ITS OWNER IN ACCORDANCE WITH THE REQUIREMENTS OF THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR GAINES COUNTY, TEXAS, AND THE BOND OR FINANCIAL SECURITY REQUIRED UNDER SAID REGULATIONS, UNLESS AND UNTIL SAID PROPERTY IS FORMALLY ACCEPTED BY THE COMMISSIONERS COURT, IF EVER, BY A SEPARATE WRITTEN ORDER.

- (2) Relating to any private land or improvements on the plat:

GAINES COUNTY EXPRESSLY DOES NOT ACCEPT FOR CONSTRUCTION OR MAINTENANCE PURPOSES ANY LAND, ROAD, EASEMENT, IMPROVEMENT, FACILITY, OR OTHER PROPERTY DESCRIBED ON THIS PLAT FOR PRIVATE OWNERSHIP OR USE. UPON APPROVAL OF THIS PLAT, IF ANY, BY THE GAINES COUNTY COMMISSIONERS COURT, ANY SUCH PRIVATE PROPERTY SHALL BE OWNED BY AND REMAIN THE RESPONSIBILITY OF ITS OWNER, IN ACCORDANCE WITH THE REQUIREMENTS OF THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR GAINES COUNTY, TEXAS.

- (T) **Owner/Developer Signature and Disclosure** -- Upon plat approval, the Developer shall: (1) sign and date the plat and all required or attached documents; (2) acknowledge the plat in the manner required for the acknowledgment of deeds; and (3) attest by affidavit to the veracity and completeness of the matters described in the plat and all attached documents by stating the following on the plat:

I CERTIFY THAT: (1) THIS PLAT, INCLUDING ALL ATTACHED DOCUMENTS IF ANY, ARE IN COMPLIANCE WITH THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR GAINES COUNTY, TEXAS; (2) THE REPRESENTATIONS ON THIS PLAT, INCLUDING ALL ATTACHED DOCUMENTS IF ANY, ARE TRUE AND CORRECT; AND (3) ALL DEDICATED LAND, ROADS, EASEMENTS, IMPROVEMENTS, FACILITIES, OR OTHER PROPERTY DESCRIBED ON THIS PLAT ARE DEDICATED TO THE USE AND BENEFIT OF THE PUBLIC FOREVER.

- (U) **Lien Subordination Disclosure** -- The plat upon approval shall contain statements, signed and acknowledged by the Developer and any lienholder (with current addresses shown), which certify lienholder consent and lien subordination to all public dedications on the plat.
- (V) **Surveyor Signature/Disclosure** -- The plat shall contain a signature, seal, certification, date, and affidavit by the surveyor for the Developer which states the following:

I CERTIFY THE FOLLOWING: (1) THIS PLAT, INCLUDING ALL ALL ATTACHED DOCUMENTS, IF ANY, REPRESENT A TRUE AND ACCURATE SURVEY ON THE GROUND MADE BY ME OF THE SUBDIVISION IDENTIFIED; (2) ALL REQUIRED SURVEY MONUMENTS ARE CORRECTLY SHOWN ON THIS PLAT; (3) ALL EXISTING EASEMENTS AND RIGHTS OF WAY ARE SHOWN ON THIS PLAT ACCORDING TO DOCUMENTS OF RECORD OR APPARENT CIRCUMSTANCES OBSERVED ON THE LAND; (4) THE PERIMETER FIELD NOTES ARE ACCURATELY TIED TO AN ORIGINAL CORNER OF THE ORIGINAL SURVEY; (5) THIS PLAT AND ALL ATTACHED DOCUMENTS, IF ANY, COMPLY WITH ALL SURVEYING AND PLAT DRAFTING REQUIREMENTS LISTED OR DESCRIBED IN THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR GAINES COUNTY, TEXAS; AND (6) ALL SURVEYING REPRESENTATIONS ON THIS PLAT ARE TRUE, CORRECT, AND IN COMPLIANCE WITH THE CURRENT STANDARDS OF REGISTERED AND LICENSED

**PROFESSIONAL LAND SURVEYING PRACTICE IN THE STATE
OF TEXAS.**

- (W) **Engineer Signature/Disclosure** -- When engineering services are required by these Regulations to be performed by the Developer's engineer, the plat upon approval must contain a signature, seal, certification, date, and affidavit by the registered professional engineer for the Developer which states the following:

I CERTIFY THE FOLLOWING: (1) THIS PLAT AND ALL ATTACHED DOCUMENTS, IF ANY, AND THE SUBDIVISION HEREIN IDENTIFIED, SATISFY ALL REQUIREMENTS OF THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR GAINES COUNTY, TEXAS; AND (2) ALL ENGINEERING OR DESIGN REPRESENTATIONS ON THIS PLAT AND ALL ATTACHED DOCUMENTS, IF ANY, ARE TRUE, CORRECT, AND IN COMPLIANCE WITH THE CURRENT STANDARDS OF REGISTERED AND LICENSED PROFESSIONAL ENGINEERING PRACTICE IN TEXAS.

- (X) **Commissioners Court Approval** -- The plat upon approval must contain a signature, certification, and acknowledgment by the County Judge, as hereafter stated:

I CERTIFY THE FOLLOWING: (1) THIS PLAT WAS CONSIDERED AND APPROVED ON _____, _____ BY THE COMMISSIONERS COURT OF GAINES COUNTY, TEXAS IN ACCORDANCE WITH CHAPTER 232 OF THE TEXAS LOCAL GOVERNMENT CODE, CHAPTER 551 OF THE TEXAS GOVERNMENT CODE (THE TEXAS OPEN MEETINGS ACT), AND OTHER AUTHORITY; AND (2) THIS PLAT IS AUTHORIZED FOR FILING AND RECORDING WITH THE COUNTY CLERK OF GAINES COUNTY, TEXAS PURSUANT TO THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR GAINES COUNTY, TEXAS.

- (Y) **County Engineer Approval** -- If reviewed by a Texas registered professional and licensed engineer engaged by the County for plat review and consultation, and if the proposed subdivision and plat are in compliance with these Regulations, upon County approval, said engineer shall sign and seal the plat, and state on said plat the following:

I CERTIFY THE FOLLOWING AS THE ENGINEER FOR GAINES COUNTY, TEXAS: (1) THIS PLAT AND ALL ATTACHED DOCUMENTS, IF ANY, AND THE SUBDIVISION HEREIN IDENTIFIED, SATISFY ALL REQUIREMENTS OF THE

**SUBDIVISION AND MANUFACTURED HOME RENTAL
COMMUNITY REGULATIONS FOR GAINES COUNTY, TEXAS;
AND (2) ALL ENGINEERING OR DESIGN REPRESENTATIONS
ON THIS PLAT AND ALL ATTACHED DOCUMENTS, IF ANY,
ARE TRUE, CORRECT, AND IN COMPLIANCE WITH THE
CURRENT STANDARDS OF REGISTERED AND LICENSED
PROFESSIONAL ENGINEERING PRACTICE IN THE STATE OF
TEXAS.**

- (Z) **County Clerk Certification** -- The County Clerk must: (1) attest and certify the signature of the County Judge on the approved plat; and (2) show on the plat the date of the Commissioners Court order which approved the plat and authorized its filing. When the plat is filed and recorded in the Office of the County Clerk, said clerk must conspicuously mark and record the plat in the plat records or other official public records of said office, noting on the plat and the internal records of said office the date and time of filing, and the volume/book and page of the record where the plat was recorded. Upon "approval" of the plat by the Commissioners Court, the County Clerk shall not in any way mark, record, recite, or describe the plat as "accepted" by the Commissioners Court. Pursuant to these Regulations, it shall be expressly understood that "acceptance" of the plat (and by consequence the land, roads, easements, improvements, or other property, facilities, or infrastructure dedicated to the public on the plat, if any), can only occur, if ever, by a subsequent, separate acceptance order being enacted and approved by the Commissioners Court at a subsequent public meeting conducted in compliance with these Regulations.

§ 4.2 Plat Exceptions

- (A) **Statutory and Local Exceptions** -- Pursuant to the statutory plat exceptions of Section 232.0015 of the Texas Local Government Code, and the authority of the Commissioners Court to grant additional plat exceptions (or exemptions) in view of the discretion granted to the County by said statute and other authority, the following plat exceptions are adopted and approved for use and proper application in the Regulations:
- (1) **Agricultural Use/Statutory Exception** -- The County shall not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if: (a) the owner does not lay out a part of the tract described by Section 232.001(a)(3) of the Texas Local Government Code; and (b) the land is to be used primarily for agricultural use, as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management, or timber production use within the meaning of Section 1-d-1, Article VIII, Texas Constitution. If a tract described by this paragraph ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use, the plat requirements of the Regulations shall apply.

- (2) **Family Transfer/Statutory Exception** -- The County shall not require the owner of a tract of land located outside the limits of a municipality who divides the tract into four or fewer parts and does not lay out a part of the tract described by Section 232.001(a)(3) of the Texas Local Government Code to have a plat of the subdivision prepared if each of the lots is to be sold, given, or otherwise transferred to an individual who is related to the owner within the third degree by consanguinity or affinity, as determined under Chapter 573 of the Texas Government Code. If any lot is sold, given, or otherwise transferred (at the time of the land division or thereafter) to an individual who is not related to the owner within the third degree of consanguinity or affinity, the plat requirements of the Regulations shall apply.
- (3) **All Lots More Than 10 Acres/Statutory Exception** -- The County shall not require the owner of a tract of land located outside the limits of a municipality who divides the tract in to two or more parts to have a plat of the subdivision prepared if: (a) all of the lots in the subdivision are more than 10 acres in area; and (b) the owner does not lay out a part of the tract described by Section 232.001(a)(3) of the Texas Local Government Code.
- (4) **VLB Program/Statutory Exception** -- The County shall not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts and does not lay out a part of the tract described by Section 232.001(a)(3) of the Texas Local Government Code to have a plat of the subdivision prepared if all of the lots are sold to veterans through the Veterans' Land Board Program.
- (5) **State Land/Statutory Exception** -- The platting requirements of these Regulations shall not apply to a subdivision of any tract of land belonging to the State or any state agency, board, or commission or owned by the permanent school fund or any other dedicated funds of the State unless the subdivision lays out a part of the tract described by Section 232.001(a)(3) of the Texas Local Government Code.
- (6) **Political Subdivision Land in Floodplain/Statutory Exception** -- The County shall not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if: (a) the owner of the land is a political subdivision of the State; (b) the land is situated in a floodplain; and (c) the lots are sold to adjoining landowners.
- (7) **Owner Retained Land/Statutory Exception** -- The County shall not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two parts to have a plat of the

subdivision prepared if: (a) the owner does not lay out a part of the tract described by Section 232.001(a)(3) of the Texas Local Government Code; and (b) one new part is to be retained by the owner, and the other new part is to be transferred to another person who will further subdivide the tract subject to the plat approval requirements of these Regulations and Chapter 232 of the Texas Local Government Code.

- (8) **Undivided Interest Holder/Statutory Exception** -- The County shall not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if: (a) the owner does not lay out a part of the tract described by Section 232.001(a)(3) of the Texas Local Government Code; and (b) 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.
- (9) **Non-Residential Use/Local Exception** -- The County shall not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if: (a) no part of the subdivision is located in a floodplain; (b) no land or improvements of the subdivision will be dedicated to public use; (c) all lots or divided parts of the subdivision will be developed for agricultural, commercial, industrial or other non-residential use; (d) no water facilities, wells, or services for the drinking of water by humans will be installed, provided, or obtained by the Developer, owner, or lessee for any lot or divided part of the subdivision; and (e) no sewer, wastewater, human excreta or other waste removal, septic, or OSSF facilities or services will be installed, provided, or obtained by the Developer, owner, or lessee for any lot or divided part of the subdivision. Notwithstanding the preceding provisions of this subparagraph (9), this exception shall not apply to any lot or divided part of the subdivision to be developed for the following purposes: (a) a trailer, recreational vehicle, or mobile home park or subdivision; or (b) an MHRC.
- (10) **Certain Business Sites/Local Exception** -- The County shall not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if: (a) no part of the subdivision is located in a floodplain; (b) no land or improvements will be dedicated to public use in the subdivision; (c) each lot or divided part of the subdivision will be developed as an industrial, commercial, or other business activity (i.e., non-residential) site for the (i) exploration, production, or distribution of oil, gas, or other minerals, (ii) surface or subsurface mining for minerals or other natural resources, or (iii) the generation, transmission, or distribution of electricity, including power

plants or wind or solar powered electricity generation and transmission facilities; (d) any water facilities, wells, or services for the drinking of water by humans which are installed, provided, or obtained by the Developer, owner, or lessee for any lot or divided part of the subdivision shall be confined to the actual work site of the business activity facility located on the subdivision land, and shall comply with minimum state standards; and (e) any sewer, wastewater, human excreta or other waste removal, septic, or OSSF facilities or services which are installed, provided, or obtained by the Developer, owner, or lessee for any lot or divided part of the subdivision, shall be confined to the actual work site of the business activity facility located on the subdivision land, and shall comply with minimum state standards and the County's active sewer, septic, or OSSF regulations.

- (11) **Family Gift Transfer/Local Exception** -- The platting requirements of these Regulations shall not apply to a subdivision of any tract of land located outside the limits of a municipality if: (a) the subdivision is the result of a division of land incident to the conveyance of the land as a gift between persons related to each other within the third degree by affinity or consanguinity, as determined under Chapter 573, of the Texas Government Code; and (b) the owner or Developer does not lay out a part of the tract described by Section 232.001(a)(3) of the Texas Local Government Code. If any lot or other part of the subdivision is sold, given, or otherwise transferred (at the time of the land division or thereafter) to an individual who is not related to the owner within the third degree of consanguinity or affinity, then the plat requirements of the Regulations shall apply.
- (B) **Exception Application Rules** -- The County shall not require the Developer of a tract of land located outside the limits of a municipality to have a plat prepared or approved if one or more of the aforesaid plat exceptions exist -- unless the proposed development pertains to a subdivision of land described in § 4.1(M) (Model Rules) of these Regulations, in which event the aforesaid local exceptions do not apply and the Developer must in those circumstances have a plat prepared and approved in compliance with these Regulations.
- (C) **Previously Platted Lots** -- Pursuant to § 232.010 of the Texas Local Government Code, the conveyance of portions of one or more previously platted lots by metes and bounds description may be authorized by the Commissioners Court to occur without revising the approved and recorded plat if: (1) the conveyance does not violate, alter, amend, diminish, or remove, any recorded covenants, restrictions, or vested property rights; and (2) a variance is obtained pursuant to these Regulations.
- (D) **911 Emergency Service Addressing** -- Should a plat not be required by these Regulations, the Developer is requested to submit to the County (at no charge to the Developer) the location of the development project to the following public office, in order to confirm correct information for 911 and emergency service addressing purposes: the County Judge

Judge at the notice address described in § 3.1 of the Regulations.

§ 4.3 Variance Procedure

- (A) **Application of Variance Procedure** -- These provisions apply to variance (also referred to as “waiver”) requests by a Developer seeking: (1) plat approval regarding proposed subdivision development; or (2) infrastructure development plan approval for proposed MHRC development. When literal enforcement of these Regulations will result in undue hardship to the Developer, and when a variance from enforcement is in harmony with the general purpose and intent of these Regulations, so that public health, safety, and welfare may be secured and substantial justice done, but subject to any limitations or requirements existing under applicable federal or state law, or other County regulations, the Commissioners Court may grant a variance from these Regulations as hereafter described.
- (B) **Order** -- The variance, if granted, must be the result of the Commissioners Court acting through an order entered by a recorded vote in a public meeting held in accordance with the Texas Open Meetings Act.
- (C) **Variance Application and Fees** --
 - (1) **Application** -- A Developer may request a variance from the County regarding the strict application of these Regulations through the timely submission of a written Variance Application, as described in **Appendix/Exhibit C/Form 3**, to the County Judge at the notice address described in § 1.3 of the Regulations. The Variance Application must describe in detail all special circumstances to support the variance.
 - (2) **Request for Subdivision Variance** -- Regarding a variance sought from the County’s subdivision regulations, the Variance Application must be filed with the Plat Application.
 - (3) **Request for MHRC Variance** -- Regarding a variance sought from the County’s MHRC standards, the Variance Application must be filed with the MHRC application and infrastructure development plan.
 - (4) **Fees** -- A variance request application fee, as described in the fee schedule in **Appendix/Exhibit D**, shall be paid in full to the County when the Variance Application is filed.
 - (5) **Application Form** -- The Variance Application form attached in the **Appendix/Exhibit C/Form 3** shall be provided by the County at no cost to the public at the office of the County Judge, at the notice address described in § 1.3 of these Regulations. This form describes all required documentation for a completed Variance Application.

- (D) **Prohibition** -- The Commissioners Court may not grant a variance regarding the following matters: (1) the necessity of an approved plat or MHRC development plan if required by these Regulations, but subject to the plat or other exceptions herein described; (2) a required bond or other financial security; (3) the payment of fees, unless the variance applicant is a unit of government; and (4) a variance which violates the variance standards hereafter described. Also, pecuniary hardship, standing alone, shall not be deemed to constitute an undue hardship or special circumstance to support a variance.
- (E) **Standards** -- A variance to these Regulations may be granted by the Commissioners Court, within its discretion, only when the submitted evidence and the attendant circumstances establish the following:
- (1) a special circumstance must exist which, if these Regulations are strictly enforced, will deprive the Developer of a privilege, use, or safety enjoyed by similarly situated property owners or developers with similarly timed development of the same nature and scope;
 - (2) the variance will constitute only a minimum departure from these Regulations, and will not constitute a violation of state or federal law;
 - (3) the variance will not create a special privilege, use, or safety for the Developer that is not enjoyed by similarly situated property or developers with similarly timed development of the same nature or scope;
 - (4) the variance must be based on the general intent of these Regulations and deemed to be in the public interest;
 - (5) the variance must not prevent or impair the safe, healthy, or orderly development of other land in the area in accordance with these Regulations; and
 - (6) an ad valorem tax delinquency must not exist regarding the land made the subject of the proposed development.

§ 4.4 Plat Cancellation, Revision, and Amendment -- The County adopts and approves for use and application in these Regulations the following standards and procedures relating to plat cancellation, revision, and amendment, and the contents of the statutes hereafter described are incorporated by reference: (a) the plat cancellation standards and procedure of §§ 232.008 (regarding general cancellation procedure) and 232.0083 (regarding cancellation of obsolete plats) of the Texas Local Government Code; (b) the plat revision standards and procedure of § 232.009 of the Texas Local Government Code; (c) the plat amendment standards and procedure of § 232.011 of the Texas Local Government Code; and (d) the dormant plat procedure of §232.002 of the Texas Local Government Code, and requiring

that at the time of the plat resubmittal, the proposed and resubmitted plat shall be subject to the then current requirements of Chapter 232 of the Texas Local Government Code and the County's applicable subdivision regulations.

ARTICLE 5 -- DEVELOPMENT STANDARDS AND REQUIREMENTS

- § 5.1 **Fee Schedule** -- A reasonable fee schedule is adopted and approved for use and application in these Regulations, as described in **Appendix/Exhibit D**, to cover the cost of the County's review of a subdivision plat or MHRC infrastructure development plan, the inspection of street, road, and drainage improvements therein described, and other matters. All required fees must be paid by the Developer to the County before the County conducts a review of the plat or MHRC infrastructure development plan.
- § 5.2 **Floodplain Management** -- The floodplain standards and requirements are adopted and approved for use and application in these Regulations, as described in Article 4.
- § 5.3 **Utility Disclosure and Connection** -- The water, sewer, septic, OSSF, gas, electric, and related utility standards and connection requirements are adopted and approved for use and application in these Regulations, as described in Article 4 and **Appendix/Exhibit E**.
- § 5.4 **Drainage** -- The drainage standards and requirements are adopted and approved for use and application in these Regulations, as described in Article 4 and **Appendix/Exhibit A**.
- § 5.5 **Bond or Other Financial Security** -- The Developer of land for which a plat is required by these Regulations shall execute a good and sufficient bond or other financial security, as described in Articles 4 and 6. The bond or other financial guarantee standards and requirements are adopted and approved for use and application in these Regulations, as described in Articles 4 and 6.
- § 5.6 **County Construction/Maintenance Disclaimer/Public Dedication** -- Regarding any land, road, easement, improvement, facility, or infrastructure dedicated for public use (i.e., "dedicated land or improvements") shown on a plat, and upon plat approval, the County expressly does not accept for construction or maintenance purposes said dedicated land or improvements, because the responsibility for their construction or maintenance shall remain the responsibility of the owner in accordance with these Regulations and the bond or financial security herein required, unless and until the dedicated land or improvements are formally accepted, if ever, by a separate, later written order of the Commissioners Court resulting from a recorded vote at a subsequent public meeting conducted pursuant to the Texas Open Meetings Act. All plats involving a public dedication shall contain a written statement correctly reciting this issue, as described in Articles 3 and 4 of these Regulations.
- § 5.7 **County Construction/Maintenance Disclaimer/Private Property** -- The County expressly does not accept for construction or maintenance purposes any land, road, easement, improvement, facility, or infrastructure (collectively "private land or

improvement”) described on a plat for private ownership or use. Upon plat approval, if any, any such private land or improvement shall be owned by and remain the responsibility of the owner in accordance with these Regulations. All plats describing any private land or improvement shall contain a written statement correctly reciting this provision, as described in Articles 3 and 4 of these Regulations.

§ 5.8 Compliance with Other Statutes and Regulations -- Regarding planning, design, platting, or development relating to or affecting flooding, flood damage prevention, drainage, water quality, or water, sewer, septic, or OSSF service or facilities, all plats and proposed subdivisions, MHRCs, or other development (including all plans for lot configuration, land use, drainage, improvements, and construction relating thereto) shall comply with all applicable development regulations of the County, as well as all applicable statutes and regulations of the State of Texas, federal government, and their administrative agencies, in order to prevent colonias or other substandard development.

§ 5.9 Manufactured Home Rental Community Regulations -- Pursuant to § 232.007 of the Texas Local Government Code, the Commissioners Court adopts and approves for use and application in these Regulations the following standards and regulations for Manufactured Home Rental Community development located in the unincorporated area of the county.

- (A) **Application** -- The County’s Manufactured Home Rental Community Application form is described in **Appendix/Exhibit C/Form 2**. It shall be provided at no cost to the public at the office of the County Judge, at the notice address described in § 1.3 of these Regulations. The MHRC Application form describes all required documentation for submission by the Developer to the County of a completed MHRC application.
- (B) **Completed Application** -- A completed MHRC application shall constitute: (1) the fully completed and executed application; and (2) the required infrastructure development plan and all supporting documents, as herein described.
- (C) **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:
 - (1) **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 floodplain, if any. The drainage requirements for the MHRC shall comply with the drainage standards described for subdivisions in these Regulations.
 - (2) **SPPHD Regulation Compliance** -- The MHRC shall conform to the applicable requirements of the active regulations of SPPHD, including its

Sewage Facility (OSSF) Program, and the plan shall contain: (a) a description of such compliance; and (b) certifications by the Developer engineer and authorized SPPHD representative regarding such compliance.

- (3) **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.
- (4) **Descriptions/Sewer, Septic, OSSF** -- The plan shall describe and specify the provision of access of the MHRC to sanitary sewer or septic facilities and lines, in accordance with minimum state standards, and including: (a) providing and identifying the location of all sanitary sewer facilities and lines; (b) providing and identifying adequate OSSF sewage facilities and lines in accordance with Chapter 366 of the Texas Health and Safety Code; and (c) compliance with the SPPHD requirements described in the immediately preceding paragraph (2).
- (5) **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.
- (6) **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 road and street requirements described in these Regulations for subdivisions.
- (7) **Lawful Compliance** -- The plan shall state it 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 floodplain management, sewer, drainage, septic, or OSSF regulations.
- (D) **Signature and Completeness** -- The MHRC application and proposed infrastructure development plan shall be: (1) signed, dated, approved, and acknowledged by the Developer; and (2) signed, dated, approved, and stamped by the Developer's engineer and surveyor. The MHRC application and proposed plan are considered complete when all

applicable documentation or other information required by these Regulations is received by the County.

- (E) **Submission and Fees** -- The original and two complete copies of the MHRC application and proposed plan, both being fully executed, complete, and in compliance with these Regulations, with all required fees, shall be submitted by the Developer to the County Judge at the notice address described in § 1.3 of these Regulations.
- (F) **County Review** -- The County (through its designee) shall review the plan, and thereafter shall approve or reject the plan in writing pursuant to the procedures described in § 232.007 of the Texas Government Code. The County may deny a MHRC and its proposed plan if: (1) the plan does not comply with these Regulations; (2) the required fees are not paid; or (3) a delinquent ad valorem tax liability exists for the land made the subject of the MHRC. If the plan is approved, all infrastructure and development of the MHRC must be constructed in compliance with the plan. If the plan is rejected, the written rejection shall specify the reasons for the rejection. If the plan is accepted, the County designee shall so certify on the plan, and shall acknowledge the plan. The plan may be filed and recorded in the Office of the County Clerk, at the option of the County or Developer.
- (G) **Construction and Occupancy** -- Construction regarding a MHRC may not begin (and the MHRC may not be occupied by tenants or lessees) before the date the infrastructure development plan is approved by the County. The County may require inspection of the infrastructure during or on completion of construction. If the inspector determines that the infrastructure complies with the plan, the County shall issue the MHRC Certificate of Compliance in accordance with § 232.007 of the Texas Local Government Code.
- (H) **Utility Service** -- A utility may not provide utility services (including water, sewer, gas, and electric services) to a MHRC subject to an infrastructure development plan, or to a manufactured home in the MHRC, unless the owner provides the utility with a copy of the MHRC Certificate of Compliance issued by the County under the immediately preceding paragraph (G). As used in this paragraph, "utility" means: (1) a municipality that provides utility services; (2) a municipality owned or municipally operated utility that provides utility services; (3) a public utility (or "utility" as previously described) that provides utility services; (4) a nonprofit water supply or sewer corporation organized and operating under Chapter 67 of the Texas Water Code, that provides utility services; (5) a county that provides utility services; and (6) a special district or authority created by state law that provides utility services.
- (I) **MHRC Variance** -- The Commissioners Court may grant a variance (also called "waiver") from these MHRC standards or requirements pursuant to the variance procedures and standards described in § 4.2 of these Regulations. The variance application, review, and fee requirements therein described are expressly adopted for use and application in these Regulations regarding MHRC development, including the following requirements: (1) regarding a requested variance from the County's MHRC regulations, the variance

application must be timely filed with the required MHRC application and proposed infrastructure development plan; and (2) the variance request/application fee, as described in the fee schedule attached as **Appendix/Exhibit D**, shall be paid in full to the County at the time of the variance application filing.

§ 5.10 Fire Suppression System -- Pursuant to §§ 232.101 and 232.107 through 232.109 of the Texas Local Government Code, the fire suppression system standards are adopted and approved for use and application in these Regulations, as described in Article 4.

§ 5.11 Firearm, Bow, and Arrow Use -- Pursuant to §§ 235.020-.045 of the Texas Local Government Code, the firearm, bow, and arrow use standards, restrictions, remedies, and penalties are adopted and approved for use and application in these Regulations, as described in Article 4.

§ 5.12 Model Rules -- Notwithstanding anything to the contrary stated in these Regulations, and pursuant to Subchapter J (including §§ 16.343 and 16.350) of the Texas Water Code, §§ 232.003(8), 232.023, 232.029, 232.030, 232.032, 232.101, and 232.106-.108 of the Texas Local Government Code, Title 31 TAC Chapter 354 (Subchapters A and B), and other authority, the Model Rules are approved and applied for use in these Regulations regarding certain residential subdivisions, as described in § 4.1(M).

§ 5.13 Roads/Driveways/Lot Frontages/Set-Backs -- The standards and procedures pertaining to roads, driveways, lot frontages, and building or set-back lines are adopted and approved for use and application in these Regulations, as described in Article 4 and **Appendix/Exhibits A and B**.

§ 5.14 Plat Procedure -- The standards and procedure for plat requirements, sufficiency, review, approval, approval with conditions, disapproval, exceptions, exemptions, variance, cancellation, revision, and amendment are adopted and approved for use and application in these Regulations, as described in Articles 3, 4, and 6, and **Appendix/Exhibits A-E**.

§ 5.15 Enforcement -- The standards, remedies, penalties, and related procedure for enforcement of these Regulations are adopted and approved for use and application in these Regulations as described in Articles 4 and 7.

ARTICLE 6 -- BOND OR OTHER FINANCIAL GUARANTEE

§ 6.1 General Requirements

(A) **Bond or Financial Guarantee Required** -- Before subdividing a tract, the Developer must execute a good and sufficient bond for the construction and maintenance of the roads, streets, and drainage structure requirements shown on the proposed plat for the subdivision, unless another financial guarantee ("Guarantee") is authorized by these Regulations. The

bond or guarantee must be approved by the Commissioners Court to predicate approval of the proposed subdivision plat.

- (B) **Approval** -- The bond or Guarantee must be submitted to and approved by the Commissioners Court in a form and amount required by these Regulations, and that amount must be adequate to ensure proper construction of the roads, streets, and drainage structure requirements for the subdivision, but must not exceed their estimated cost of construction. The bond or Guarantee shall apply to, and be in a form and amount sufficient to ensure, the proper construction of, the roads and streets in, and drainage structure requirements for, the subdivision.

§ 6.2 Construction/Maintenance Limitations for Public Dedication -- Regarding dedicated public roads, streets, or drainage structure requirements described on the plat for the subdivision, and upon plat approval, the County expressly does not accept for County construction or maintenance purposes the dedicated roads, streets, or drainage structure requirements described on the plat. In the event of plat approval, the construction or maintenance of the dedicated roads, streets, or drainage structure requirements described on the plat shall remain the responsibility of the Developer (in accordance with these Regulations and the approved bond or other Guarantee) until the dedicated roads, streets, or drainage structure requirements are accepted, if ever, by the Commissioners Court by a subsequent, separate acceptance order being enacted and approved by the Commissioners Court at a subsequent public meeting conducted in compliance with these Regulations.

§ 6.3 Bond Requirements

- (A) **Bond Payee or Beneficiary Description** -- The bond required by these Regulations shall be payable to the County Judge (in his official capacity) or his successor in office, fully executed by the Developer and his surety, and approved by the Commissioners Court prior to subdividing a tract and prior to Commissioners Court approval of the plat.
- (B) **Bond Surety Requirements** -- The bond surety shall be a corporate or other business entity surety, as may be approved by the Commissioners Court. The County's criteria for surety acceptability includes the following: (1) the surety must be registered with the Texas Secretary of State and be authorized to do business in Texas; (2) the surety must have authority to issue bonds in the amount required by the Commissioners Court; and (3) the surety must have a rating of at least B from Best's Key Rating Guide -- or if the surety company does not have any such rating due to the length of time it has been a surety company, the surety must demonstrate eligibility to participate in the surety bond guarantee program of the Small Business Administration of the United States government and must be an approved surety company listed in the current United States Department of Treasury Circular 570. Such bonds shall meet the criteria contained in the rules and regulations promulgated by the United States Department of Treasury.

- (C) **Bond Amount** -- The bond must be in an amount determined by the Commissioners Court to be adequate to ensure proper construction of the roads, streets, and drainage structure requirements for the subdivision, but must not to exceed the estimated cost of construction.
- (D) **Bond Condition** -- The bond shall be conditioned that the roads, streets, and drainage structure requirements for the subdivision (which shall be specifically named and described in the bond) shall be: (1) constructed and maintained by the Developer in accordance with all specifications, requirements, and standards described in these Regulations; and (2) constructed within a reasonable time set by the Commissioners Court, but not less than two years from the date of plat approval.

§ 6.4 Other Financial Guarantee Requirements

- (A) **Guarantee Types** -- In lieu of a bond, the Developer may deposit another good and sufficient financial Guarantee approved by the Commissioners Court in the form of: (1) a monetary deposit (in good funds approved by the County); (2) an irrevocable letter of credit ("LOC") issued by a federally insured financial institution; or (3) another form of good and sufficient financial guarantee deemed acceptable by the Commissioners Court pursuant to the standards and terms herein required for a surety bond or LOC.
- (B) **Letter of Credit** -- If an LOC is used, it must conform to the following requirements:
 - (1) **Beneficiary** -- The LOC must list as the sole beneficiary the County Judge or his successor in office.
 - (2) **Developer and Financial Institution Execution** -- The LOC must be fully executed by the Developer and the financial institution, in compliance with these Regulations, and approved by the Commissioners Court prior to subdividing a tract and prior to Commissioners Court approval of the plat.
 - (3) **Requirements** -- The LOC shall meet the following requirements.
 - (a) **Financial Institution Qualifications** -- Any LOC submitted as a financial guarantee for combined amounts greater than \$10,000 and less than \$250,000 must be from financial institutions which meet the following qualifications:
 - (i) Banks must be: federally insured, with a Sheshunoff rating of 10 or better; with primary capital of at least 6.0% of total assets; and with total assets of at least \$25 million.
 - (ii) Savings and loan associations must be: federally insured; with tangible capital of at least 1.5% of total

assets; with total assets greater than \$25 million, or tangible capital of at least 3.0% of total assets if total assets are less than \$25 million; and with a Sheshunoff rating of 30 or better.

- (iii) Other financial institutions must have the following: the LOC must be 110% collateralized by an investment instrument meeting the qualifications for a county investment; and the investment instrument must be registered in the County's name, and the County must receive safekeeping receipts for all collateral before the LOC is accepted.

- (b) **Additional Qualifications** -- Any LOC submitted as a financial guarantee for combined amounts greater than \$250,000 must be from financial institutions which meet the following qualifications:

- (i) Banks must be: federally insured; with a Sheshunoff rating of 30 or better; with a primary capital of at least 7.0% of total assets, and total assets of at least \$75 million.
- (ii) Savings and loan associations must be: federally insured; with tangible capital of at least 3.0% of total assets, and total assets greater than \$75 million (or alternatively, tangible capital of at least 5.0% of total assets if total assets are less than \$75 million); and with a Sheshunoff rating of 30 or better.
- (iii) Other financial institutions must have the following: the LOC must be 110% collateralized by an investment instrument meeting the qualifications for a county investment; and the investment instrument must be registered in the County's name and the County must receive safekeeping receipts for all collateral before the LOC is accepted.

- (4) **Sole Beneficiary and Approval** -- The LOC shall list as sole beneficiary the County Judge (in his official capacity), or his successor in office, and must be approved by the Commissioners Court. The form of the LOC shall be modeled after the form attached in Appendix 2B of 31 TAC § 364.54.

- (5) **Amount** -- The LOC must be in an amount determined by the Commissioners Court to be adequate to ensure proper construction of the roads, streets, and drainage structure requirements for the subdivision, but in an amount not to exceed the estimated cost of construction.
- (6) **Condition** -- The LOC must be conditioned that the roads, streets, and drainage structure requirements for the subdivision (which shall be specifically named and described in the LOC) shall be: (1) constructed and maintained by the Developer in accordance with all specifications, requirements, and standards described in these Regulations; and (2) constructed within a reasonable time set by the Commissioners Court, but not less than two years from the date of plat approval.

ARTICLE 7 -- ENFORCEMENT

§ 7.1 Civil Enforcement

- (A) **Remedies** -- All applicable civil enforcement remedies, penalties, and damage recovery rights described in the following authority are adopted and approved for a violation or threatened violation of these Regulations: (1) Chapters 232, 233, and 235 of the Texas Local Government Code; (2) Chapter 12 of the Texas Property Code; (3) Chapter 16, Subchapter I, of the Texas Water Code; (4) the authority recited in §§ 1.8, 4.1(L), (M), and 5.12 of these Regulations; (5) the County's active floodplain management regulations; (6) the County's active sewer, septic, or OSSF regulations; and (7) all other enforcement authority described in or applicable by state law to these Regulations. Nothing contained in these Regulations shall prevent the County or its officials from taking necessary or desired action to prevent or remedy a violation of these Regulations, as allowed by law.
- (B) **Civil Action** -- Upon the request of the Commissioners Court, the County Attorney, other prosecuting attorney, or other attorney may file a civil action on behalf of the County in a court of competent jurisdiction as allowed by law to: (1) enjoin the violation or threatened violation of these Regulations or state law; or (2) recover damages and/or civil penalties for a violation of these Regulations or state law.

§ 7.2 Criminal Enforcement -- A person commits an offense if the he knowingly or intentionally violates a requirement established or adopted by the Commissioners Court pursuant to: (a) these Regulations, or the County's subdivision or manufactured home rental community regulations enacted prior to the Effective Date; or (b) or state law. An offense under this paragraph is a Class B misdemeanor unless otherwise designated in these Regulations or by applicable state law.

§ 7.3 Unlawful Conduct -- In addition to the conduct described by state law, the following conduct is declared to be a violation of these Regulations:

- (A) **Unlawful Transfer** -- It shall be a violation of these Regulations for a person, business entity, owner, or Developer to attempt to complete or complete the transfer, conveyance, purchase, or sale of a lot or other part in a non-exempt subdivision under these Regulations prior to the: (1) approval by the County of a plat for the subdivision; and (2) filing of said approved plat in the Office of the County Clerk.
- (B) **Unlawful Filing/Recordation** -- It shall be a violation of these Regulations for a person, business entity, owner, or Developer to attempt to file or record, or actually file or record, in the Office of the County Clerk any plat, plan, plat vacation, plat revision, or plat amendment instrument or document unless and until it is approved by the County, if required by these Regulations.
- (C) **Unlawful Development** -- It shall be a violation of these Regulations for a person, business entity, owner, or Developer to attempt or complete the development, construction, or operation of a manufactured home rental community unless and until: (1) an infrastructure development plan is approved for the MHRC by the County's designee, if required by these Regulations; and (2) the accompanying Certificate of Compliance is issued by the County for the MHRC development, showing that the completed MHRC complies with the approved infrastructure development plan.

[END OF REGULATIONS]

CERTIFICATION OF ADOPTION

APPROVED BY: **THE COMMISSIONERS COURT OF
GAINES COUNTY, TEXAS**

ADOPTED: **FEBRUARY 19, 2020**

I, Tom Keyes, the undersigned, being the County Judge of Gaines County, Texas and the Presiding Officer of the Commissioners Court of Gaines County, Texas ("Commissioners Court"), do hereby certify that the above and foregoing document is the Subdivision and Manufactured Home Rental Community Regulations for Gaines County, Texas ("Regulations"), which were duly considered, enacted, adopted, and approved by the Commissioners Court at a public meeting duly convened and conducted on this date. Copies of these Regulations may be obtained from the official minutes of the Commissioners Court filed with and maintained by the County Clerk of Gaines County, Texas.

SIGNED on this the 19th day of February, 2020.



Tom Keyes, County Judge
Gaines County, Texas

ATTEST:



Terri Berry, County Clerk
Gaines County, Texas

APPENDIX

EXHIBIT A:

DRAINAGE STANDARDS

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 a 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 Developer's engineer of record for the plat or plan and presented for County review, pursuant to the procedural review requirements described in the Regulations.
- (6) **Erosion Embankments** -- All roadways subject to flooding and high water, and all roadways crossing streams or other watercourses. must have reinforced embankments to prevent erosion. The reinforcing material must be concrete (or other suitable material) which shall at minimum have a tensile test strength at 7 days of 3,000 pounds per square inch.

- (7) **Permanents Obstacles for Erosion Prevention** -- Permanent obstacles (such as concrete, rip-rap, or rock retards) shall be installed on the sloping sides of drainage ditches and drainage courses to prevent erosion, where specifically designated by the County during the review phase of the development.
- (8) **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.
- (9) **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.
- (10) **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, and otherwise comply with the County's active flood damage prevention order or other floodplain management regulations.
- (11) **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.

- (12) **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 B:

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) based on the amount and kind of travel over each street or road in a subdivision or MHRC; and (c) 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; bar-ditches, culverts, drainage areas, easement areas, and related road or traffic equipment (including traffic signals, devices, delineators, road signs, and barriers).
- (2) **Main Artery Streets/Roads** -- All main artery streets or roads, other than those described in paragraph 3 hereof, must have a right of way of 80 feet in width. The actual street cut on such main artery streets or roads must be 40 feet in width. All other streets or roads, other than those described in item 3 hereof, must have a right of way of 60 feet in width. The actual street cut on such other streets or roads must be 30 feet in width.
- (3) **Major Thoroughfare Plan** -- Pursuant to § 232.102 of the Texas Local Government Code, the required right of way on a street or road that functions as a major thoroughfare may have a width of not more than 120 feet; however, the required right of way on a street or road that functions as a major thoroughfare may be more than 120 feet in width, provided that the proposed right of way width is consistent with a transportation plan adopted by the metropolitan planning organization of the region.
- (4) **Alley Streets** -- The actual street cut for alley streets must be 30 feet in width. 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.
- (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) **Intersections** -- Streets or roads should be designed, designated on the plat or plan, and constructed to intersect with each other at 90 degree angles. Where

compliance is impossible due to terrain, the Subdivider may request a variance. If a variance is granted under these Regulations, the portion of the intersection on the side of the acute angle must be reduced (cut back) to eliminate the point of the acute angle. The intersection must be reduced a minimum of 25 feet away from the point where the streets would have otherwise intersected. The County shall specify the exact size of the cut-back, up to a maximum of 50 feet in its review of the proposed development.

- (7) **No Abrupt Set-Off** -- No street or road shall be designed, designated, or constructed with an abrupt off-set or “jog” in it.
- (8) **Adjoining Streets with Other Development** -- Where streets in a proposed subdivision or MHRC end at the property line of another adjoining development, the streets and 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.
- (9) **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 delivered to an authorized refuse and/or fill site in accordance with state or other law or County regulation.
- (10) **Subgrade Base** -- All roads must be constructed with a subgrade base. The subgrade base material shall be approved by the County. 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. 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. 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) **Supporting Documents** -- To ensure the proposed flexible base or other road construction materials meet the requirements of these standards, the Subdivider shall submit to the County a written analysis of the proposed material prepared by an independent laboratory before the proposed material is used for development. No such material may be used for the development unless: (a) the analysis report certifies the proposed material satisfies the requirements contained in these Regulations; and (b) the County accepts the findings contained in the report. Said findings will be deemed accepted unless the Court expressly rejects said report within 10 days after it is filed with the County. Acceptance of any such report shall not be construed as evidence of road acceptance by the County, or of the proposed roads being designed or constructed in compliance with these Regulations.
- (15) **Plat and Plan Designations** -- The standards and requirements described in this instrument must be clearly depicted and described on a proposed: (a) subdivision plat and supporting documents required by these Regulations; and (b) MHRC infrastructure development plan and supporting documents required by these Regulations.
- (16) **Completion of Construction** -- The County may specify that construction of all roads and drainage structures must be completed within a reasonable time after the subdivision plat or MHRC infrastructure development plan is approved.
- (17) **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 Exhibit.
- (18) **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 Exhibit regarding roads and streets:
 - (a) All streets/roads dedicated to the public will not receive consideration for acceptance by the Commissioners Court until at least two (2)

years after original construction is completed, as described in the Regulations. Upon acceptance, if ever, of said dedicated streets/roads by the Commissioners Court, title and/or possession to said streets/roads shall be conveyed to the County by either a (1) warranty deed, or (2) permanent easement or right-of-way grant, in a form and scope acceptable to the Commissioners Court. Accompanying such conveyance shall be an adequate description of the subject streets/roads either by reference to the approved subdivision plat or MHRC, or by field notes prepared by a Registered Professional Engineer or Surveyor from a survey made on the ground. From the Effective Date these Regulations going forward, all private or dedicated to the public streets/roads in any subdivision for which a plat has been approved and filed, and all private 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 described in these Regulations, whether or not an eventual request for County acceptance is planned.

(b) 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 on-way lane surface... (All categories).....	24'
Minimum type surfaces..... (All categories).....	

- Asphalt Prime Coat with 2 course asphalt treatment.
- Base material used for streets/roads shall conform to the requirements of the *Texas Department of Transportation*, or other materials obtained from sources approved by the Commissioners Court or its designated representative.
- The entire right-of-way of the streets/roads will be cleared of all timber, roots, brush, fences, boulders or other obstructions, unless a variance is granted by the Commissioners Court. Upon completion of all construction, the right-of-way may be seeded with native grasses, or other plants as approved by the Commissioners Court.

- The preparation of the Subgrade shall follow engineering practices commonly used in Gaines County, Texas. The Subgrade shall be compacted by ordinary compaction by any method, type, and size of equipment, which will give the required compaction. The Subgrade must be inspected and approved by the Commissioners Court or its designated representative prior to any application of base material. *Refer to TXDOT criteria and specifications.*

Base Material:

- The material shall be thoroughly wetted, mixed, manipulated, and bladed, so as to secure a uniformly wetted material and pulled in over the Subgrade in courses and set under the action of blading and rolling. All irregularities, depressions, or weak spots which develop shall be corrected immediately by scarifying the area affected, adding suitable material as required, reshaping and recompacting by sprinkling and rolling.
- The base must be inspected and approved by the Commissioners Court or its designated representative prior to the application of any surface treatment. *Refer to TXDOT specifications.*

Surface Treatment: *Refer to TXDOT specifications.*

- The material shall be thoroughly wetted, mixed, manipulated, and bladed, so as to secure a uniformly wetted material and pulled in over the Subgrade in courses and set under the action of blading and rolling. All irregularities, depressions, or weak spots which develop shall be corrected immediately by scarifying the area affected, adding suitable material as required, reshaping and recompacting by sprinkling and rolling. In a subdivision where water lines or other utilities are installed on rights-of-way, they shall be located off and away from roadways (paved center portion and shoulders). Fire Hydrants shall be equipped with connections for standard fire-fighting equipment.
- RECOMMENDED ASPHALT AND ROCK DISTRIBUTION: 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. Rock and asphalt shall meet TXDOT specifications, and those specifications may be found at: (<http://www.dotstate.tx.us/txdot.htm>).

- (c) After paved streets/roads have been dedicated to and accepted by Gaines County so that future maintenance responsibilities become a function under the Gaines County Commissioners Court, the installation of any further water or utility lines, side roads, etc., on rights-of-way shall be prohibited unless expressly permitted in writing by the Commissioners' Court.
- (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) Rights-of-way dedicated to public use shall be kept 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) The County has no traffic control authority on roads, streets, or thoroughfares not accepted by the County for maintenance.
- (i) 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.
- (j) Design of channels shall consider velocities and shall be shaped, graded, lined, or protected to minimize or prevent scour and erosion from excessive velocities. This requirement shall extend to roadside drainage ditches, often called “bar” ditches. All drainage structures shall be of permanent type, either concrete or metal. Drainage calculations shall be made using Talbot's

Formula or other methods satisfactory to the Commissioners Court. Drainage structures shall be designed using a ten (10) year flood frequency. The size of the culverts shall be subject to the approval of the Commissioners Court.

- (k) 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*.

EXHIBIT C/FORM 1:

SUBDIVISION PLAT APPLICATION FORM

GAINES COUNTY, TEXAS -- SUBDIVISION PLAT APPLICATION FORM

PROPOSED SUBDIVISION: _____

COMMISSIONER PRECINCT: _____

SCHOOL DISTRICT(S) IDENTIFIED: _____

TRACT SIZE AND LOCATION: _____

TOTAL LOTS, PARTS, OR DIVISIONS: _____

NAME OF NEAREST PUBLIC ROAD: _____

WATER AND SEWER SERVICE PROVIDERS:

ELECTRIC SERVICE PROVIDER: _____

GAS SERVICE PROVIDER: _____

DEVELOPER: _____

Address: _____

Telephone: _____

Facsimile: _____

ENGINEER: _____

Address: _____

Telephone: _____

Facsimile: _____

SURVEYOR: _____

Address: _____

Telephone: _____

Facsimile: _____

(1) Regarding a proposed subdivision plat, the following documents are required to be submitted to Gaines County ("County") for review with this Plat Application ("Application"): all documents required for subdivision plats by the active Subdivision and Manufactured Home Rental Community Regulations for Gaines County, Texas ("Regulations," the contents of which

are incorporated by reference), said documents being described in the attached **Document List for Subdivision Plat Application**. Please attach all required documents to this Application and add additional sheets, if necessary.

(2) You must timely 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
Facsimile: 432-758-4031

(3) Is any part of the proposed development within the limits or extraterritorial jurisdiction of a municipality? ANSWER: ____YES ____NO. If YES, identify the municipality on the attached documents.

(4) Will the Developer seek a variance from the Commissioners Court? ANSWER: ____YES ____NO. If YES, identify all variance issues on the attached documents and include a written County Variance Application and all required documents.

(5) Will any land, improvements, roads, streets, utility or transportation infrastructure, or facilities be dedicated to public use? ANSWER: ____YES ____NO. If YES, identify them and attach all reports, plans, drawings, and specifications related to those dedicated improvements, infrastructure, or facilities.

(6) Will the subdivision be served by a public water or sewer system? ANSWER: ____YES ____NO. If YES, identify the public service suppliers and attach all reports, plans, drawings, and specifications related to those improvements, infrastructure, or facilities.

(7) Will the subdivision be served by a private water wells or septic/OSSF systems? ANSWER: ____YES ____NO. If YES, identify them and attach all reports, plans, drawings, and specifications related to those improvements, infrastructure, or facilities.

(8) Will the subdivision require a permit or other approval by another government or private entity? ANSWER: ____YES; ____NO. If YES, identify all such entities and attach copies of any active permits obtained from those entities for the proposed development:

(9) Is the proposed development located in a floodplain, as defined by the Regulations? ANSWER: ____YES; ____NO. If YES, identify all floodplain areas in which all or a part of

the proposed development is located: _____
_____.

(10) Have you paid all permit fees required by the County or other government or private entity for the proposed development? ANSWER: ____ YES; ____ NO. If NO, please explain: _____.

(11) Does a delinquent tax liability or tax lien exist on the real property made the subject of the proposed development? ANSWER: ____ YES; ____ NO. If YES, please identify those matters and attach documents from the appropriate governmental taxing entity describing the tax delinquency or lien: _____.

If NO, attach documents from the appropriate governmental taxing entities showing that no tax delinquency exists on the real property made the subject of the proposed development.

THE DEVELOPER NAMED BELOW HEREBY CERTIFIES AND STATES THE FOLLOWING:

I have read the active Subdivision and Manufactured Home Rental Community Regulations for Gaines County, Texas. 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.

Developer
Printed Name: _____, Title _____
Date: _____

RECEIPT BY COUNTY:

RECEIVED BY:

Printed Name: _____, Title: _____
Gaines County, Texas
Date: _____

DOCUMENT LIST FOR SUBDIVISION PLAT APPLICATION

The following documents shall be submitted with the Subdivision Plat Application Form, as required by the Regulations:

1. **Regarding a subdivision of land described in § 4.1(M)(1), (4), (6), and/or (8) of the Regulations, the following documents are required:**

- (a) _____ a complete and executed Plat Application in compliance with the Regulations, with all required documents and payment of fees (Regulations §§ 3.2, 4.1(A)-(Z), Appendix/Exhibits A-B, C/Form 1, D-E);
- (b) _____ a proposed subdivision plat which is fully executed, certified, and acknowledged by the proper parties designated in the Regulations -- but excluding from compliance at Plat Application submission the following matters: (i) the signatures, acknowledgements, and/or certifications of the County Judge, County Clerk, and County consulting engineer, and (ii) the filing or recordation of the plat (Regulations §§ 3.2, 4.1(A)-(Z), Appendix/Exhibits A-B, C/Form 1, D-E);
- (c) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with all plat requirements and standards described in § 4.1(M)(9) of the Regulations (Regulations § 4.1(M)(9), Appendix/Exhibits A-B, D-E);
- (d) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the requirements of § 4.1(M)(10)-(17)(21)-(25) of the Regulations regarding the water, sewer, septic, wastewater, OSSF, greywater, and sludge facilities (public or private) proposed for the subdivision, including: (i) the results of all required suitability analysis, surface and subsurface testing, or other analysis (including quantitative and qualitative analysis) required by the Regulations to be performed by any person or entity (including an engineer or surveyor) to demonstrate compliance with minimum state standards regarding said facilities; (ii) the acquisition of permits or agreements for said facilities required between the Developer and a private entity, or between the Developer and a governmental entity or agency other than the County; (iii) stamped and sealed engineering reports and supporting documents regarding said facilities, including the availability, methodology, and cost estimates of providing said facilities to the subdivision (Regulations § 4.1(M)(10)-(17)(21)-(25));
- (e) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with § 4.1(M)(18)-(19), (R) of the Regulations regarding the: (i) minimum set-back distances required for the subdivision; (ii) required restriction of only one single family detached dwelling to be located on each lot; and (iii) detailed planning materials regarding proposals required for submittal of multi-family residential development to determine proper water and wastewater utility type and design; (Regulations § 4.1(M)(18)-(19), (R));

- (f) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with § 4.1(M)(26), (Q) of the Regulations regarding the required plat formatting and other information therein stated. (Regulations § 4.1(M)(26), (Q));
- (g) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with § 4.1(M)(27)-(31) of the Regulations regarding the bond or other financial security requirements for certain proposed improvements in the subdivision (Regulations § 4.1(M)(27)-(31));
- (h) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with § 4.1(M)(9)(37) of the Regulations, and including evidence that the: (i) Subdivider has complied with the requirements of § 232.032 of the Texas Local Government Code (relating to special compliance requirements regarding water, sewer and/or OSSF facilities, roads, adequate drainage, electric utility service, and gas utility service); (ii) water quality and connections to the lots meet, or will meet, the minimum state standards; (iii) sewer connections to the lots or septic tanks meet, or will meet, the minimum requirements of state standards; (iv) electrical connections provided to the lot meet, or will meet, the minimum state standards; and (v) gas connections, if available, provided to the lot meet, or will meet, the minimum state standards. (Regulations § 4.1(M)(9)(37));
- (i) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with § 4.1(N) and Appendix/Exhibit E of the Regulations regarding utility connection requirements and plat certification. (Regulations § 4.1(N); Appendix/Exhibit E);
- (j) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with § 4.1(O) of the Regulations regarding the purchase contract disclosure obligation of the Developer regarding water availability and implementation. (Regulations § 4.1(O));
- (k) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with § 4.1(P) of the Regulations regarding the required groundwater sufficiency disclosure statement (by an engineer or geoscientist licensed to practice in Texas), said statement authorized by § 232.0032 of the Texas Local Government Code, when the source of the water supply intended for the subdivision is groundwater under that land. (Regulations § 4.1(P));

- (l) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the express limitations (and related, mandatory plat certification requirements) stated in the Regulations (including without limitation § 4.1(S) therein) regarding the County's construction and maintenance obligations, if any, regarding any land, road, easement, improvement, facility, or other property (i) dedicated to public use on the plat, or (ii) private property described on the plat. (Regulations § 4.1(S));
- (m) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the minimum standards described in the Regulations, including: (i) § 4.1(A) (compliance with federal and state law requirements, including minimum state standards regarding water, sewer, septic, OSSF and related facilities); (ii) § 4.1(D) (compliance with specific property description, identifying data, and proper signature requirements); (iii) § 4.1(E) (compliance with specific survey data requirements); (iv) § 4.1(F) (compliance with specific lot and block dimension requirements); (v) § 4.1(G) (compliance with specific water and OSSF disclosure requirements -- including compliance with the South Plains Public Health District's Sewage Facility (OSSF) Program, and the County's applicable water, drainage, septic/OSSF and floodplain management regulations); (vi) § 4.1(H) (compliance regarding a reasonable drainage plan for the subdivision, including the management of storm water runoff pursuant to the standards described in Appendix/Exhibit A); (vii) § 4.1(I) (compliance with specific topographical description requirements), (viii) § 4.1(J) (compliance with specific road/driveway, lot frontage, and floodplain management requirements, including the standards described in Appendix/Exhibits A-B); (ix) § 4.1(K) (compliance with specific fire suppression system requirements); (x) § 4.1(L) (compliance with specific requirements regarding the use of firearms, bows, and arrows in certain subdivisions); (xi) compliance with the development standards and requirements described in §§ 5.1-5.8, §§ 5.10-5.14, and Appendix/Exhibits A-B, D-E for proposed subdivisions;
- (n) _____ a tax certificate or other sufficient documentation from the appropriate governmental taxing entities showing that no tax delinquency exists on the real property made the subject of the proposed subdivision development (Regulations § 3.2, and Appendix/Exhibits A-B, D); and
- (o) _____ documents showing payment of all plat and/or variance application fees to the County, as required by the Regulations. (Regulations § 3.2, and Appendix/Exhibits A-B, D).

2. Regarding a subdivision of land not described in § 4.1(M)(1), (4), (6), and/or (8) of the Regulations, but described in § 3.1 of the Regulations, the following documents are required:

- (a) _____ a complete and executed Plat Application in compliance with the Regulations, with all required documents and payment of fees (Regulations §§ 3.1-.2, 4.1(A)-(L), (N)-(Z), 5.1-.8, 5.10-.14, 6.1-.4), Appendix/Exhibits A-B, C/Form 1, D-E);
- (b) _____ a proposed subdivision plat which is fully executed, certified, and acknowledged by the proper parties designated in the Regulations -- but excluding from compliance at Plat Application submission the following matters: (i) the signatures, acknowledgements, and/or certifications of the County Judge, County Clerk, and County consulting engineer, and (ii) the filing or recordation of the plat. (Regulations §§ 3.1-.2, 4.1(A)-(L), (N)-(Z), 5.1-.8, 5.10-.14, 6.1-.4), Appendix/Exhibits A-B, D-E);
- (c) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with § 4.1(A)-(J), (Q)-(Z) of the Regulations regarding required plat formatting and other information, including without limitation: property description, identifying data, and signatures; survey data; metes and bounds descriptions; lot, block, and other part dimensions; water, sewer, and OSSF facility and service disclosures; drainage plan; topographical descriptions with contour lines; road, driveway, lot, frontage, and floodplain descriptions; fire suppression system descriptions; limitations regarding the use of firearms, bows, and arrows in certain subdivisions; utility connection requirements; purchase contract disclosure; groundwater sufficiency disclosure; building and set-back lines; lien subordination; and plat execution and certification. (Regulations § 4.1(A)-(J), (Q)-(Z), Appendix/Exhibits A-B, D-E);
- (d) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with § 4.1(N) and Appendix/Exhibit E of the Regulations regarding utility connection requirements and plat certification. (Regulations § 4.1(N); Appendix/Exhibit E);
- (e) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with § 4.1(O) of the Regulations regarding the purchase contract disclosure obligation of the Developer regarding water availability and implementation. (Regulations § 4.1(O));
- (f) _____ a proposed subdivision plat and all supporting documents

describing and demonstrating compliance with § 4.1(P) of the Regulations regarding the required groundwater sufficiency disclosure statement (by an engineer or geoscientist licensed to practice in Texas), said statement authorized by § 232.0032 of the Texas Local Government Code, when the source of the water supply intended for the subdivision is groundwater under that land. (Regulations § 4.1(P));

- (g) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the express limitations (and related, mandatory plat certification requirements) stated in the Regulations (including without limitation § 4.1(S) therein) regarding the County's construction and maintenance obligations, if any, regarding any land, road, easement, improvement, facility, or other property (i) dedicated to public use on the plat, or (ii) private property described on the plat. (Regulations § 4.1(S));
- (h) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the minimum standards described in the Regulations, including: (i) § 4.1(A) (compliance with federal and state law requirements, including minimum state standards regarding water, sewer, septic, OSSF and related facilities); (ii) § 4.1(D) (compliance with specific property description, identifying data, and proper signature requirements); (iii) § 4.1(E) (compliance with specific survey data requirements); (iv) § 4.1(F) (compliance with specific lot and block dimension requirements); (v) § 4.1(G) (compliance with specific water and OSSF disclosure requirements -- including compliance with the South Plains Public Health District's Sewage Facility (OSSF) Program, and the County's applicable water, drainage, septic/OSSF and floodplain management regulations); (vi) § 4.1(H) (compliance regarding a reasonable drainage plan for the subdivision, including the management of storm water runoff, pursuant to the standards described in Appendix/Exhibit A); (vii) § 4.1(I) (compliance with specific topographical description requirements), (viii) § 4.1(J) (compliance with specific road/driveway, lot frontage, and floodplain management requirements, including the standards described in Appendix/Exhibits A-B); (ix) § 4.1(K) (compliance with specific fire suppression system requirements); (x) § 4.1(L) (compliance with specific requirements regarding the use of firearms, bows, and arrows in certain subdivisions); and (xi) compliance with the development standards and requirements described in §§ 5.1-5.8, §§ 5.10-5.14, and Appendix/Exhibits A-B, D-E for proposed subdivisions;
- (i) _____ a proposed subdivision plat and all supporting documents

describing and demonstrating compliance with §§ 6.1-6.4 of the Regulations regarding the bond or other financial security requirements for certain proposed improvements in the subdivision (Regulations §§ 6.1-6.4);

- (j) _____ a tax certificate or other sufficient documentation from the appropriate governmental taxing entities showing that no tax delinquency exists on the real property made the subject of the proposed subdivision development ((Regulations § 3.2, and Appendix/Exhibits A-B, D); and
- (k) _____ documents showing payment of all plat and/or or variance application fees to the County, as required by the Regulations (Regulations § 3.2, and Appendix/Exhibits A-B, D).

EXHIBIT C/FORM 2:

MHRC APPLICATION FORM

**GAINES COUNTY, TEXAS -- MANUFACTURED HOME
RENTAL COMMUNITY ("MHRC") APPLICATION FORM**

PROPOSED MHRC: _____

COMMISSIONER PRECINCT: _____

TRACT SIZE AND LOCATION: _____

TOTAL LOTS, PARTS, OR SPACES: _____

SCHOOL DISTRICT(S): _____

NAME OF NEAREST PUBLIC ROAD: _____

WATER AND SEWER SERVICE PROVIDERS:

ELECTRIC SERVICE PROVIDER:

GAS SERVICE PROVIDER:

DEVELOPER: _____

Address: _____

Telephone: _____

Facsimile: _____

ENGINEER: _____

Address: _____

Telephone: _____

Facsimile: _____

SURVEYOR: _____

Address: _____

Telephone: _____

Facsimile: _____

(1) Regarding a proposed MHRC, the following documents are required to be submitted to Gaines County ("County") for review with this MHRC application ("Application"): all documents required for the MHRC development as described by the active Subdivision and Manufactured Home Rental Community Regulations for Gaines County, Texas ("Regulations," the contents of which are incorporated by reference), said documents being described in the

attached **Document List for MHRC Application**. Please attach all required documents to this Application and add additional sheets, if necessary.

(2) You must timely 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
Facsimile: 432-758-4031

(3) Is any part of the proposed development within the limits or extraterritorial jurisdiction of a municipality? ANSWER: ____YES ____NO. If YES, identify the municipality on the attached documents.

(4) Will the Developer seek a variance from the Commissioners Court? ANSWER: ____YES ____NO. If YES, identify all variance issues on the attached documents and include a written County Variance Application and all required documents.

(5) Will any land, improvements, roads, streets, utility or transportation infrastructure, or facilities be dedicated to public use? ANSWER: ____YES ____NO. If YES, identify them and attach all reports, plans, drawings, and specifications related to those dedicated improvements, infrastructure, or facilities.

(6) Will the MHRC be served by a public water or sewer system? ANSWER: ____YES ____NO. If YES, identify the public service suppliers and attach all reports, plans, drawings, and specifications related to those improvements, infrastructure, or facilities.

(7) Will the MHRC be served by a private water wells or septic/OSSF systems? ANSWER: ____YES ____NO. If YES, identify them and attach all reports, plans, drawings, and specifications related to those improvements, infrastructure, or facilities.

(8) Will the MHRC require a permit or other approval by another government or private entity? ANSWER: ____YES; ____NO. If YES, identify all such entities and attach copies of any active permits obtained from those entities for the proposed development:

_____.

(9) Is the proposed development located in a floodplain, as defined by the Regulations? ANSWER: ____YES; ____NO. If YES, identify all floodplain areas in which all or a part of the proposed development is located: _____

(10) Have you paid all permit fees required by the County or other government or private entity for the proposed development? ANSWER: ____ YES; ____ NO. If NO, please explain why you have not done so: _____.

(11) Does a delinquent tax liability or tax lien exist on the real property made the subject of the proposed development? ANSWER: ____ YES; ____ NO. If YES, please identify those matters and attach documents from the appropriate governmental taxing entity describing the tax delinquency or lien: _____.

If NO, attach documents from the appropriate governmental taxing entities showing that no tax delinquency exists on the real property made the subject of the proposed development.

THE DEVELOPER NAMED BELOW HEREBY CERTIFIES AND STATES THE FOLLOWING:

I have read the active Subdivision and Manufactured Home Rental Community Regulations for Gaines County, Texas. All documents required by the Regulations for the proposed MHRC 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.

Developer

Printed Name: _____, Title: _____

Date: _____

RECEIPT BY COUNTY:

RECEIVED BY:

Printed Name: _____, Title: _____

Gaines County, Texas

Date: _____

DOCUMENT LIST FOR MHRC APPLICATION

The following documents shall be submitted with the MHRC Application Form, as required by the Regulations:

- (a) _____ a complete and executed MHRC Application in compliance with the Regulations, with all required documents and payment of fees (Regulations § 5.9, Appendix/Exhibits A-B, C/Form 2, D);

- (b) _____ a proposed infrastructure development plan ('Plan') as described by § 5.9 of the Regulations, which is fully executed, certified, and acknowledged by the proper parties (including the Developer and its engineer and surveyor) designated in the Regulations -- but excluding from compliance at MRC Application submission the following matters: (i) the signatures, acknowledgements, and/or certifications of the County's representatives, and (ii) the filing or recordation of the Plan. (Regulations § 5.9, Appendix/Exhibits A-B, D);
- (c) _____ a proposed Plan and all supporting documents describing and demonstrating compliance with the drainage, water, and wastewater requirements of § 5.9 of the Regulations, including without limitation providing accurate descriptions and specifications regarding: (i) adequate drainage for the MHRC, including all streets or roads therein, in accordance with standard engineering practices; (ii) necessary drainage culverts and other drainage facilities for the MHRC; (iii) areas of the MHRC located in the floodplain; (iv) compliance with the applicable requirements of the active regulations of South Plains Public Health District ("SPPHD"), including its Sewage Facility (OSSF) Program; (v) the provision of an adequate public or community water supply to the MHRC in accordance with minimum state standards; (vi) 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; and (vii) the provision of access of the MHRC to sanitary sewer or septic facilities and lines, in accordance with minimum state standards -- and including (1) providing and identifying the location of all sanitary sewer facilities and lines, (2) providing and identifying adequate OSSF sewage facilities and lines in accordance with Chapter 366 of the Texas Health and Safety Code, and (3) compliance with the aforesaid SPPHD requirements. (Regulations § 5.9, Appendix/Exhibits A-B, D);
- (d) _____ a proposed Plan and all supporting documents describing and demonstrating compliance with the land survey requirements § 5.9 of the Regulations, including without limitation providing accurate descriptions and specifications regarding a land survey of the proposed MHRC performed by a Texas registered professional land surveyor (on the ground), which survey at minimum describes: (i) the proposed MHRC boundaries, and any significant features located therein; (ii) the proposed location of all spaces, lots, or other parts of the MHRC; (iii) the proposed or existing utility, road, and drainage easements; and (iv) the dedications of easements and rights-of-way, if any. (Regulations § 5.9, Appendix/Exhibits A-B, D);

- (e) _____ a proposed Plan and all supporting documents describing and demonstrating compliance with the road requirements § 5.9 of the Regulations, including without limitation providing accurate descriptions and specifications regarding all roads to be located in the MHRC, with said roads to be constructed in compliance with the road and street standards and requirements described in these Regulations for subdivisions. (Regulations § 5.9, Appendix/Exhibits A-B, D);
- (f) _____ a proposed Plan and all supporting documents describing and demonstrating compliance, as required by § 5.9 of the Regulations, with all applicable requirements of: (i) the Regulations; (ii) state and federal law; (iii) the County's active floodplain management, sewer, drainage, septic, or OSSF regulations; and (iv) SPPHD's regulations. (Regulations § 5.9, Appendix/Exhibits A-B, D);
- (g) _____ a proposed Plan and all supporting documents describing and demonstrating the Developer's knowledge of, and expressed intent to comply with, the specific restrictions described in § 5.9 of the Regulations regarding the prohibited: (i) construction and/or occupancy of the MHRC prior to issuance by the County of the MHRC; and (ii) provision of utility services (including water, sewer, gas, and electric services) to the MHRC subject to an infrastructure development plan, or to a manufactured home in the MHRC, unless the owner provides the utility with a copy of the MHRC Certificate of Compliance issued by the County. (Regulations § 5.9, Appendix/Exhibits A-B, D);
- (h) _____ a tax certificate or other sufficient documentation from the appropriate governmental taxing entities showing that no tax delinquency exists on the real property made the subject of the proposed MHRC development (Regulations § 5.9, Appendix/Exhibits A-B, D); and
- (i) _____ documents showing payment of all Plan and/or or variance application fees to the County, as required by the Regulations (Regulations § 5.9, Appendix/Exhibits A-B, D).

EXHIBIT C/FORM 3:

VARIANCE APPLICATION FORM

GAINES COUNTY, TEXAS -- VARIANCE APPLICATION FORM

A. VARIANCE REQUEST: The undersigned Developer hereby requests a variance from the requirements of the active Subdivision and Manufactured Home Rental Community Regulations of Gaines County, Texas ("Regulations") for the proposed development project located in Gaines County, Texas ("County") hereafter described in this Application.

B. PLEASE PROVIDE THE FOLLOWING PROJECT DEVELOPMENT INFORMATION, USING ADDITIONAL INFORMATION SHEETS IF NECESSARY:

PROJECT/VARIANCE DESCRIPTION: _____

(Insert "Subdivision" for a proposed subdivision development project, or insert "MHRC" for a proposed manufactured home rental community development project, then insert the name of your development project)

**COMMERCIAL OR
RESIDENTIAL:**

COMMISSIONER PRECINCT: _____

TRACT SIZE AND LOCATION: _____

**TOTAL LOTS, DIVISIONS,
PARTS, OR SPACES:** _____

**PUBLIC ROAD ACCESS
DESCRIPTION:** _____

SCHOOL DISTRICT(S) _____

**WATER AND SEWER SERVICE
PROVIDERS:** _____

**ELECTRIC SERVICE
PROVIDER:** _____

GAS SERVICE PROVIDER: _____

DEVELOPER: _____
Address: _____

Telephone: _____
Facsimile: _____

ENGINEER: _____
Address: _____

Telephone: _____
Facsimile: _____

SURVEYOR: _____
Address: _____

Telephone: _____
Facsimile: _____

C. PLEASE ANSWER THE FOLLOWING QUESTIONS AND ATTACH ALL REQUESTED DOCUMENTS, USING ADDITIONAL INFORMATION SHEETS IF NECESSARY:

(1) Please attach copies of the following documents to support your variance request: (a) your submitted subdivision plat application, or submitted MHRC application with proposed infrastructure development plan, pertaining to your requested variance; (b) your maps, drawings, reports, opinions, documents, or other data which support your position regarding this variance request; (c) all other documents required by this Application or the Regulations; and (d) a list of your witnesses, if any, expected to testify before the Commissioners Court (if needed) regarding your variance request, including their names, addresses, and telephone numbers, and a brief summary of their connection to and position regarding this matter.

(2) You must timely 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
Facsimile: 432-758-4031

(3) Is any part of the proposed development within the limits or extraterritorial jurisdiction of a municipality? ANSWER: ____YES ____NO. If YES, identify the municipality on the attached documents.

(4) Will any land, improvements, roads, streets, utility or transportation infrastructure, or

facilities be dedicated to public use? ANSWER: ____YES ____NO. If YES, identify them and attach all reports, plans, drawings, and specifications related to those dedicated improvements, infrastructure, or facilities.

(5) Will the proposed development be served by a public water or sewer system? ANSWER: ____YES ____NO. If YES, identify the public service suppliers and attach all reports, plans, drawings, and specifications related to those improvements, infrastructure, or facilities.

(6) Will the proposed development be served by a private water wells or septic/OSSF systems? ANSWER: ____YES ____NO. If YES, identify them and attach all reports, plans, drawings, and specifications related to those improvements, infrastructure, or facilities.

(7) Will the proposed development require a permit or other approval by another government or private entity? ANSWER: ____ YES; ____ NO. If YES, identify all such entities and attach copies of any active permits obtained from those entities for the proposed development:

_____.

(8) Is the proposed development located in an area of special flood hazard or floodway described by federal or state data sources, including a FEMA floodplain map? ANSWER: ____ YES; ____ NO. If YES, identify all areas of special flood hazard or floodways in which all or a part of the proposed development is located: _____.

_____.

(9) Is the proposed development located in a floodplain, as defined by the Regulations? ANSWER: ____ YES; ____ NO. If YES, identify all floodplain areas in which all or a part of the proposed development is located: _____.

_____.

(10) Does a delinquent tax liability or tax lien exist on the real property made the subject of the proposed development? ANSWER: ____ YES; ____ NO. If YES, please identify those matters and attach documents from the appropriate governmental taxing entity describing the tax delinquency or lien: _____.

_____.

If NO, attach documents from the appropriate governmental taxing entities showing that no tax delinquency exists on the real property made the subject of the proposed development.

(11) Please state all reasons to support your variance request, as well as the specific relief you request from the County: _____

THE DEVELOPER NAMED BELOW HEREBY CERTIFIES AND STATES THE FOLLOWING:

I have read the active Subdivision and Manufactured Home Rental Community Regulations for Gaines County, Texas. All documents required by the Regulations for the requested variance 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.

Developer
Printed Name: _____
Title: _____
Date: _____

RECEIPT BY COUNTY:

RECEIVED BY:

Printed Name: _____
Title: _____
Gaines County, Texas
Date: _____

EXHIBIT D:
FEE SCHEDULE

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 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, before the County conducts a plat review, 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.
- (2) **MHRC Development Fee Payment** -- Regarding proposed MHRC development, all fees shall be paid by the Developer to the County at the time of the submission of the MHRC Application and proposed infrastructure development plan.
- (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 timely paid to the County in full, 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 in § 1.3 of 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 with 1 to 10 lots, spaces, or divided parts:**
A base fee of \$500.00, plus \$100.00 per lot, space, or divided part, plus all required filing and recording fees, if any, is required.
 - (b) **Subdivision or MHRC with 11 to 50 lots, spaces, or divided parts:**

A base fee of \$1,000.00, plus \$100.00 per lot, space, or divided part, plus all required filing and recording fees, if any, is required.

- (c) **Subdivision or MHRC with more than 50 lots, spaces, or divided parts:** A fee of \$1,500.00, plus \$100.00 per lot, space, or divided part, plus all required filing and recording fees, if any, is required.
- (d) **Variance Request/Subdivision or MHRC** – A fee of \$100.00 is required.
- (e) **Certificate of Approved Plat** – A fee of \$30.00 is required for each requested certificate.
- (f) **Certificate of MHRC Compliance** -- A fee of \$30.00 is required for each requested certificate.

EXHIBIT E:

UTILITY CONNECTION REQUIREMENTS

UTILITY CONNECTION REQUIREMENTS

The utility connection requirements authorized by §§ 232.029 of the Texas Local Government code (including therein references to §§ 232.028 and 232.037 of said code), and §§ 232.101 and 232.106-.107 of the Texas Local Government Code, are adopted and approved for application and use in these Regulations, as hereafter described:

- (a) Prohibition of Service/Water or Sewer Service -- Except as provided by subparagraph (c) of this exhibit, or § 232.037(c) of the Texas Local Government Code, a utility may not serve or connect any subdivided land with water or sewer service unless the utility receives a certificate issued by the Commissioners Court under § 232.028(a) of the Texas Local Government Code, or receives a determination from the Commissioners Court under § 232.028(b)(1) of the Texas Local Government Code, that the plat has been reviewed and approved by the Commissioners Court.
- (b) Prohibition of Service/Electricity or Gas Service -- Except as provided by subparagraphs (c) or (k) of this exhibit, or § 232.037(c) of the Texas Local Government Code, a utility may not serve or connect any subdivided land with electricity or gas unless the entity receives a determination from the Commissioners Court under §§ 232.028(b)(2) and (3) of the Texas Local Government Code that adequate water and sewer services (including septic or OSSF facilities) have been installed to service the lot or subdivision.
- (c) Certificate Facts -- An electric, gas, water, or sewer service utility may serve or connect subdivided land with water, sewer, electricity, gas, or other utility service -- regardless of whether the utility receives a certificate issued by the Commissioners Court under § 232.028(a), or regardless of whether the utility receives a determination from the Commissioners Court under § 232.028(b) -- if the utility is provided with a certificate issued by the Commissioners Court that states that:
 - (1) the subdivided land: (a) was sold or conveyed by a subdivider by any means of conveyance, including a contract for deed or executory contract (i) before September 1, 1995, or (ii) before September 1, 1999, if the subdivided land on August 31, 1999, was located in the ETJ of a municipality as determined by Chapter 42 of the Texas Local Government Code; (b) has not been subdivided after September 1, 1995, or September 1, 1999, as applicable under the immediately preceding subpart (a); (c) is the site of construction of a residence, evidenced by at least the existence of a completed foundation, that was begun on or before May 1, 2003; and (d) has had adequate sewer services installed to service the lot or dwelling, as determined by an authorized agent responsible for the licensing or permitting of on-site sewage facilities under Chapter 366 of the Texas Health and Safety Code;
 - (2) the subdivided land is a lot of record and has adequate sewer services installed that are fully operable to service the lot or

dwelling, as determined by an authorized agent responsible for the licensing or permitting of on-site sewage facilities under Chapter 366 of the Texas Health and Safety Code; or

- (3) the land was not subdivided after September 1, 1995, and (a) water service is available within 750 feet of the subdivided land, or (b) water service is available more than 750 feet from the subdivided land and the extension of water service to the land may be feasible, subject to a final determination by the water service provider.
- (d) Supporting Documents -- A utility may provide utility service to subdivided land described by subparagraph (c)(1), (2), or (3) only if the person requesting service: (1) is not the land's Subdivider or the Subdivider's agent; and (2) provides to the utility a certificate described in subparagraph (c) above.
- (e) Documentation -- A person requesting service may obtain a certificate under subparagraph (c)(1), (2), or (3) only if the person is the owner or purchaser of the subdivided land and provides to the Commissioners Court documentation containing:
 - (1) a copy of the means of conveyance or other documents that show that the land was sold or conveyed by a Subdivider before September 1, 1995, or before September 1, 1999, as applicable under said subparagraph (c) above;
 - (2) a notarized affidavit by that person requesting service under subparagraph (c)(1) that states that construction of a residence on the land, evidenced by at least the existence of a completed foundation, was begun on or before May 1, 2003, and the request for utility connection or service is to connect or serve a residence described by subparagraph (c)(1)(c) above;
 - (3) a notarized affidavit by the person requesting service that states that the subdivided land has not been further subdivided after September 1, 1995, or September 1, 1999, as applicable under subparagraph (c) above; and
 - (4) evidence that adequate sewer service or facilities have been installed and are fully operable to service the lot or dwelling from an entity described by § 232.021(14) of the Texas Local Government Code or the authorized agent responsible for the licensing or permitting of on-site sewage facilities under Chapter 366 of the Texas Health and Safety Code.
- (f) [This subparagraph is intentionally left blank]
- (g) Document Disclosure -- On request, the Commissioners Court shall provide to the Texas

Attorney General and any appropriate local, county, or state law enforcement official, a copy of any document on which the Commissioners Court relied in determining the legality of providing services.

- (h) Limited Effect -- These utility connection requirements may not be construed to abrogate any civil or criminal proceeding or prosecution or to waive any penalty against a Subdivider for a violation of a state or local law, regardless of the date on which the violation occurred.
- (i) Exception/Municipal ETJ -- The prohibition established by these utility connection requirements shall not prohibit a water, sewer, electric, or gas utility from providing water, sewer, electric, or gas utility connection or service to a lot sold, conveyed, or purchased through a contract for deed or executor contract or other device by a Subdivider prior to July 1, 1995, or September 1, 1999, if on August 31, 1999, the subdivided land was located in the ETJ of a municipality that has adequate sewer services installed that are fully operable to service the lot, as determined by an authorized agent responsible for the licensing or permitting of on-site sewage facilities under Chapter 366 of the Texas Health and Safety Code, and was subdivided by a plat approved prior to September 1, 1989.
- (j) In these utility connection requirements, "foundation" means the lowest division of a residence, usually consisting of a masonry slab or a pier and beam structure, that is partly or wholly below the surface of the ground and on which the residential structure rests.
- (k) Exception/Previous Service – Subject to subparagraphs (l) and (m), a utility that does not hold a certificate issued by, or has not received a determination from, the Commissioners Court under § 232.028 to serve or connect subdivided property with electricity or gas may provide that service to a single-family residential dwelling on that property if:
 - (1) the person requesting the utility service: (a) is the owner and occupant of the residential dwelling; and (b) on or before January 1, 2001, owned and occupied the residential dwelling;
 - (2) the utility previously provided the utility service on or before January 1, 2001, to the property for the person requesting the service;
 - (3) the utility service provided as described in subparagraph (2) above was terminated not earlier than 5-years before the date on which the person requesting utility service submits an application for that service; and
 - (4) providing the utility service will not result in: (a) an increase in the volume of utility service provided to the property; or (b) more than one utility connection for each single-family residential dwelling located on the property.

- (l) Required Documentation -- A utility may provide service under subparagraph (k) only if the person requesting the service provides to the Commissioners Court documentation that evidences compliance with the requirements of subparagraph (k) and that is satisfactory to the Commissioners Court.
- (m) Limitation for Service -- A utility may not serve or connect subdivided property described by subparagraph (k) if, on or after September 1, 2007, any existing improvements on that property are modified.
- (n) Exception/Government Funding Program -- Except as provided in subparagraph (o), this subparagraph (n) does not do not prohibit a water or sewer utility from providing water or sewer utility connection or service to a residential dwelling that:
 - (1) is provided water or wastewater facilities under or in conjunction with a federal or state funding program designed to address inadequate water or wastewater facilities in colonias or to residential lots located in the County;
 - (2) is an existing dwelling identified as an eligible recipient for funding by the funding agency providing adequate water and wastewater facilities or improvements;
 - (3) when connected will comply with the minimum state standards for both water and sewer facilities as prescribed by the model subdivision rules adopted under § 16.343 of the Texas Water Code.
 - (4) is located in a project for which the municipality with jurisdiction over the project or the approval of plats within the project area has approved the improvement project by order, resolution, or interlocal agreement under Chapter 791 of the Texas Government Code, if applicable.
- (o) Exception -- A utility may not serve any subdivided land with water utility connection or service under subparagraph (n) unless the entity receives a determination from the County Commissioners Court under § 232.028(b)(3) of the Texas Local Government Code that adequate sewer services have been installed to service the lot or dwelling.
- (p) Fees -- The Commissioners Court hereby imposes the following reasonable fee for a certificate issued under these utility connection requirements for a subdivision which is located in the county and not within the limits of a municipality: as described on the fee schedule attached in the **Appendix/Exhibit D** to these Regulations.
- (q) Plat Disclosure Statement -- An approved subdivision plat shall contain the following statement regarding these utility connection requirements:

GAINES COUNTY ("COUNTY"), BY AND THROUGH ITS

GOVERNING BODY, THE COMMISSIONERS COURT OF GAINES COUNTY, TEXAS ("COMMISSIONERS COURT"), HAS ADOPTED CERTAIN UTILITY CONNECTION REQUIREMENTS AUTHORIZED BY LAW, AND NOTICE IS HEREBY GIVEN REGARDING THOSE MATTERS:

WATER OR SEWER SERVICE -- UNLESS OTHERWISE ALLOWED BY LAW OR COUNTY REGULATIONS, A UTILITY MAY NOT SERVE OR CONNECT ANY SUBDIVIDED LAND WITH WATER OR SEWER SERVICE UNLESS THE UTILITY RECEIVES A CERTIFICATE ISSUED BY THE COMMISSIONERS COURT, OR RECEIVES A DETERMINATION FROM THE COMMISSIONERS COURT, THAT THE SUBDIVISION PLAT HAS BEEN REVIEWED AND APPROVED BY THE COUNTY.

ELECTRICITY OR GAS SERVICE -- UNLESS OTHERWISE ALLOWED BY LAW OR COUNTY REGULATIONS, A UTILITY MAY NOT SERVE OR CONNECT ANY SUBDIVIDED LAND WITH ELECTRICITY OR GAS SERVICE UNLESS THE UTILITY RECEIVES A DETERMINATION FROM THE COMMISSIONERS COURT THAT ADEQUATE WATER AND SEWER SERVICES (OR OSSF SERVICES AS AN ALTERNATIVE TO SEWER SERVICES) HAVE BEEN CONSTRUCTED OR INSTALLED TO SERVICE THE LOT OR SUBDIVISION, AND THAT: (1) SAID WATER SERVICE FACILITIES ARE FULLY OPERABLE AND THE WATER QUALITY AND CONNECTIONS TO THE LOTS MEET THE MINIMUM STATE STANDARDS; (2) SAID SEWER SERVICE FACILITIES ARE FULLY OPERABLE AND THE SEWER CONNECTIONS TO THE LOTS MEET THE MINIMUM REQUIREMENTS OF STATE STANDARDS; AND/OR (3) ALTERNATIVELY, IF SEPTIC SYSTEMS (OSSF) ARE USED, THAT THE LOT IS SERVED BY A PERMITTED OSSF, OR THAT LOTS IN THE SUBDIVISION CAN BE ADEQUATELY AND LEGALLY SERVED BY SEPTIC SYSTEMS, THAT MEET THE MINIMUM REQUIREMENTS OF STATE STANDARDS.