

**Brian Rosson**  
Commissioner  
Precinct 1

**Josh Elder**  
Commissioner  
Precinct 2

# COUNTY OF GAINES

**Cindy Therwhanger**

*County Judge*  
P.O. Box 847  
Seminole, Texas 79360  
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**David Murphree**  
Commissioner  
Precinct 3

**Biz Houston**  
Commissioner  
Precinct 4



Due to legislative changes, our current subdivision regulations will be revised to abide by new state rules.

The following is a timeline for revisions to Gaines County Subdivision Regulations:

- November 13 – Publish 30-day notice of public hearing / have proposed policy available for review.
- **December 10 – Deadline to turn in applications for subdivisions under the current regulations.**
- December 20 – Public hearing 11:00 am – Proposed Adoption of Policy

If you have any questions, please contact our office or your county commissioner.

Thank you,

A handwritten signature in blue ink that reads "Cindy Therwhanger". The signature is written in a cursive style.

Cindy Therwhanger  
Gaines County Judge



**Gaines County**

**Subdivision**

**And**

**Manufactured Home Rental Community**

**Regulations**

**Approved**

**May 3, 2023**

**By the Gaines County Commissioners' Court**

## **Gaines County Subdivision Regulations**

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

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

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

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

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

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

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

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

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

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

Additional Requirements are found in the following exhibits.

**Exhibit A** – Application and Checklist

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

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

**Exhibit C** – Road Standards

**Exhibit D** – Drainage

**Exhibit E** – Fee Schedule

**Exhibit F** – Request for Variance / Exemption Form

**Exhibit G** – Acknowledgment Certificate of Road Standards and Drainage

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

### **EXCEPTIONS TO PLAT REQUIREMENTS**

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

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

repair and/or maintain any streets and/or roads until such time as the roads and/or streets have been accepted by the Commissioners Court.

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

## LEGAL PROVISIONS

### **Enforcement**

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

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

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

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

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

**Subdivision construction authorization:** Any person desiring to create a subdivision, including mobile home or travel trailer parks, utilizing and/or requiring on-site sewage facilities, in whole or in part, must

the missing documents or other information and fees. The County Judge shall allow an applicant time to submit the missing documents or other information and fees.

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

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

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

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

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

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

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

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

South Plains Public Health District on-site sewage facility has a variance for lots smaller than 1 acre.  
**(See Exhibit B – Request for variance – lots smaller than 1 acre)**

- b. A MHRC plan shall be approved by the Commissioners Court prior to utility services, including water, sewer, gas and electric services.
- c. Minimum Standards and submission requirements:
  - i. **Specifications** -- The plan shall: (a) provide adequate drainage for the MHRC, including all streets or roads therein, in accordance with standard engineering practices; (b) specify necessary drainage culverts and other drainage facilities for the MHRC. and (c) identify all areas of the MHRC located in the 100-year floodplain, if any. The drainage requirements for the MHRC shall comply with the drainage standards described for subdivisions in these Regulations. (See Exhibit D – Drainage)
  - ii. **South Plains Public Health Department Regulation Compliance** -- The MHRC shall conform to the applicable requirements of the active regulations of SPPHD, including its On-Site Sewage Facility (OSSF) Program, and the plan shall contain: (a) a description of such compliance; and authorized SPPHD representative regarding such compliance.
  - iii. **Descriptions/Water** -- The plan shall describe: (a) the provision of an adequate public or community water supply to the MHRC in accordance with minimum state standards; and (b) the location of all facilities and supply lines for said water supply in accordance with Subchapter C, Chapter 341 of the Texas Health and Safety Code.
  - iv. **Land Survey** -- The plan shall contain a land survey of the proposed MHRC performed by a Texas registered professional land surveyor (on the ground), and shall identify, at minimum: (a) the proposed MHRC boundaries, and any significant features located therein; (b) the proposed location of all spaces, lots, or other parts of the MHRC; (c) the proposed or existing utility, road, and drainage easements; and (d) the dedications of easements and rights-of-way, if any.
  - v. **Roads** -- The plan shall identify and describe all roads and streets in the MHRC. Those roads and streets shall be constructed and comply with the following standards in order to provide ingress and egress for fire and emergency vehicles: all street and road standards described in these Regulations for subdivisions. (See Exhibit C – Road Standards)
- d. Gaines County Commissioner(s) may inspect roads and associated drainage structures for compliance with these minimum standards.
- e. Tenants may not occupy rental spaces until all construction requirements of the infrastructure plan have been approved by the Commissioner Court.
- f. Fees for Infrastructure Plans for MHRC shall be based on number of lots and/or rental spaces and shall be the same as Gaines County Subdivision Fees. (See Exhibit E – Fee Schedule)
- g. Lawful Compliance - Enforcement (refer to page 4 of Subdivision Regulations).

**EXHIBIT A**

**APPLICATION**  
**AND**  
**CHECKLIST**



## GAINES COUNTY- SUBDIVISION & MHRC PLAT APPLICATION

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

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

Owner Full Legal Name: \_\_\_\_\_

Owner Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Primary Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

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

Designated Contact Name: \_\_\_\_\_

Primary Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Primary Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

### **Business Entities (For Service of Process)**

Name of Agent: \_\_\_\_\_

Agent Mailing Address: \_\_\_\_\_

Consultants (Consultants working on subdivision) (if any): \_\_\_\_\_

Licensed Professional Engineer (if any): \_\_\_\_\_

Email Address: \_\_\_\_\_ Primary Phone: \_\_\_\_\_

Registered Professional Land Surveyor: \_\_\_\_\_

Email Address: \_\_\_\_\_ Primary Phone: \_\_\_\_\_

**Proposed Subdivision Name:** \_\_\_\_\_

**Commissioner Precinct:** \_\_\_\_\_

**Total Parent Tract:** \_\_\_\_\_

**Total Lots, Parts, or Divisions:** \_\_\_\_\_

**Names of Nearest Public Roads:** \_\_\_\_\_

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

# Gaines County Subdivision Guidelines: Checklist

## Plat Requirements:

- \_\_\_\_\_ 1. Name of the proposed subdivision, with said name not conflicting in spelling, pronunciation, or any other way with the name of any other existing subdivision/development within Gaines County, unless the proposed subdivision/development is contiguous to an existing subdivision and is an additional phase of that development.
- \_\_\_\_\_ 2. Lot and block numbers
- \_\_\_\_\_ 3. Name and address of the developer and/or owner of the property.
- \_\_\_\_\_ 4. Numbers of streets/roads, with said numbers not duplicating any other streets/roads within Gaines County unless they are extensions of said streets/roads and comply with requirements of 911 addressing regulations. Traffic safety signs should be considered for the safety of the occupants of the County. Contact: Gaines County 911 Coordinator – Courthouse, Room 209- Phone: 432-758-4059
- \_\_\_\_\_ 5. Drainage / Floodplain map and information included on survey.
- \_\_\_\_\_ 6. Total number of lots and acreage within the proposed subdivision.
- \_\_\_\_\_ 7. Total area within street/road right-of-way and length of street/roads.
- \_\_\_\_\_ 8. Name and address of the surveyor.
- \_\_\_\_\_ 9. The Final Plat shall be submitted for approval in the form of two original mylar maps, bearing all necessary signatures in blue/black ink. Each signature shall have, immediately under it in legible lettering or typing in blue/black ink, the name corresponding to the original signature. All corporate, legal, license and registration seals shall be affixed in such a manner as to be legible. The signatures of all persons joining in dedication of the plat shall be notarized. The original of the Final Plat may be submitted by the sub-divider/developer or his agent to the County Judge and recorded by the County Clerk when the Final Plat is approved by the Commissioners Court.

## Other Requirements:

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

# **EXHIBIT A-1**

**UNDERSTANDING OF NO  
ROAD MAINTENANCE**

**UNDERSTANDING OF NO  
RESPONSIBILITY OF  
WATER TO SUBDIVISION**

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

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

---

Subdivider / Developer

---

Date

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

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

---

Subdivider / Developer

---

Date

# **EXHIBIT B**

## **South Plains Health Department**



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

### Subdivision Review Guidelines

SUBDIVISION NAME: \_\_\_\_\_

SUBDIVISION LOCATION: \_\_\_\_\_

TOTAL # OF LOTS: \_\_\_\_\_ APPROX. LOT SIZE: \_\_\_\_\_ (Lots must be at least 1 acre in size.)

TOTAL # OF EXISTING DOMESTIC WATER WELLS: \_\_\_\_\_ # OF AGRICULTURAL WELLS \_\_\_\_\_

DEVELOPMENT OR INDIVIDUAL NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ PHONE #: \_\_\_\_\_

NAME OF R.S. OR P.E. : \_\_\_\_\_ TX LICENSE #: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ PHONE #: \_\_\_\_\_

NOTE: Per Title 30 Chapter 285.4 (c) of the Texas Administrative Code, the following is a checklist of required documents that must be provided with this application for Subdivision Review. ALL items must be submitted with the application. Please provide photo copies of all documents to SPPHD for record keeping purposes.

**Incomplete packets will be returned.**

- An overall site map of the development
- A topographical map
- A FEMA 100 year floodplain map with development superimposed on the map or a ...
- Statement from RS or PE indicating degree of risk for the occurrence of highwater events in this area
- Soil Survey which includes sub surface horizons to a depth of at least 7 feet
- A complete report detailing the types of OSSF systems to be considered
- Statement as to lot size, soil suitability, slope, placement of wells to OSSF, compliance with TAC, (see attachment)
- Official county road map with directions
- A check made payable to the South Plains Public Health District totaling \$10.00 per lot

***SAMPLE STATEMENT***

**Items for inclusion in RS or PE report**

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

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

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

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

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

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

NAME

SIGNATURE

DATE

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

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

Date: \_\_\_\_\_ Owner Name: \_\_\_\_\_ 911 Address: \_\_\_\_\_

Legal Description: \_\_\_\_\_

PCT Comm: \_\_\_\_\_ Contact Number: \_\_\_\_\_ Precinct Number: \_\_\_\_\_

Installer: \_\_\_\_\_ Contact Number: \_\_\_\_\_ License Number: \_\_\_\_\_

PE / RS: \_\_\_\_\_ Contact Number: \_\_\_\_\_ License Number: \_\_\_\_\_

Describe Type of Variance Requested and Justification:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Can all required property and water well setbacks as outlined in Table X of TAC 285 be met? Yes \_\_\_ No \_\_\_

+++++

OSSF System Designer Official Seal: TX PE or TX RS Only	<b>For Administrative Use Only</b>
	_____ Pct. Commissioner
	_____ OSSF Installer
	_____ Consulting PE / RS
	_____ SPPHD Ex. Dir.
License Number: _____	Approved by Gaines County Commissioners Court on this _____ day of _____, 20____.



# **EXHIBIT C**

## **Road Standards**

## **ROAD STANDARDS**

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

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

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

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

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

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

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

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

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

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

(c) Road Construction Specifications:

**Roads:**

Minimum right-of-way 80'

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

Minimum width of base material (All categories) 30'

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

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

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

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

Minimum type surfaces (All categories):

- Asphalt Prime Coat with 2 course asphalt treatment.

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

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

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

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

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

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

**EXHIBIT D**

**DRAINAGE**

## **DRAINAGE STANDARDS**

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

- (1) General Purpose -- These standards are designed to:
  - (a) provide adequate drainage for each street or road in the subdivision or MHRC in accordance with standard engineering practices;
  - (b) provide drainage to the subdivision or MHRC in order to efficiently manage the flow of storm water runoff in the subdivision;
  - (c) coordinate subdivision or MHRC drainage with the general storm drainage pattern for the area in accordance with standard engineering practices; and
  - (d) provide and coordinate sewer and OSSF standards for use and application in the Regulations.
  
- (2) Water Conveyance — Lots, spaces, and divided parts shall be graded so that surface or storm water drainage will be conveyed to streets or drainage courses as directly as possible. Drainage water from roads and streets shall be conveyed to defined drainage courses as directly as possible.
  
- (3) Grade Requirements -- The maximum grade of all streets and roads shall be 5.0% unless otherwise approved by the Commissioners Court. The minimum grade of streets and roads shall be 0.2% unless otherwise approved by the Commissioners Court.
  
- (4) Drainage Ditches -- All streets and roads without curbs and gutters shall have drainage ditches adjacent to and running parallel to the said streets and roads. The drainage ditches shall have a minimum depth of 12 inches below the level of the edge of the adjacent street or road.
  
- (5) Permanent Drainage Structures -- Permanent drainage structures, including but not limited to culverts, pipes, drainage boxes, and bridges shall be installed at all crossings of drainage courses, including drainage ditches intersecting with driveways, roads, and streets. The final and exact dimension and type of those structures shall be determined and established by the floodplain for the plat or plan and presented for County review with Plat Application, pursuant to the procedural review requirements described in the Regulations.
  
- (6) Open Drainage Ditch/Channel Design -- Open drainage channels and ditches shall be designed and constructed with a proper cross-slope grade and an alignment which will facilitate proper functioning without destructive velocities of drainage waters. All drainage easements must be of an adequate width to permit drainage and flood control for all land upon which natural drainage runs through the property being considered for development.
  
- (7) Plat or Plan Descriptions — The location, dimension, description, and flow line of all existing and proposed drainage features or structures, and the location, flow line, and floodplain of existing water courses, located in the proposed subdivision or MHRC, and the area of development, must be shown on all plats and plans submitted to the County ~~for review~~.

# **EXHIBIT E**

## **FEE SCHEDULE**

## **SUBDIVISION APPLICATION AND MHRC APPLICATION FEE SCHEDULE**

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

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

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

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

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

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

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

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

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

# **EXHIBIT F**

## **REQUEST FOR VARIANCE / EXEMPTION FORM**



**Request for Variance / Exemption Form**

Date: \_\_\_\_\_

**Owner (Seller) Information:**

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email: \_\_\_\_\_  
Petitioner Name if Different than Above:  
\_\_\_\_\_

**Purchaser Information:**

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email: \_\_\_\_\_

Property Description: \_\_\_\_\_

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

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

Signature of Owner: \_\_\_\_\_

Printed Name: \_\_\_\_\_

**STATE OF TEXAS COUNT OF GAINES**

This instrument was sworn before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of Texas

**Recommended for Approval:**

Department: Yes \_\_\_\_\_ No \_\_\_\_\_ If no, Reason: \_\_\_\_\_

Court Action: Yes \_\_\_\_\_ No \_\_\_\_\_ Date: \_\_\_\_\_

# **EXHIBIT G**

## **Acknowledgment of Road Standards and Drainage**

**ACKNOWLEDGMENT CERTIFICATE**

**STATE OF TEXAS** §

**COUNTY OF GAINES** §

BEFORE ME, on this day personally appeared \_\_\_\_\_, known to me (or proved through documentation) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed. I, \_\_\_\_\_, acknowledge that I have received **Exhibit C, “Road Standards”**, as well as **Exhibit D, “Drainage”**, which are specific sections within the Gaines County Subdivision And Manufactured Home Rental Community Regulations as Approved and Adopted May 3, 2023 by the Gaines County Commissioner’s Court.

GIVEN UNDER MY HAND and seal of office this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Signature of Signer

\_\_\_\_\_  
Notary Public, State of Texas

\_\_\_\_\_ Personally Known  
\_\_\_\_\_ Produced Identification  
Type of ID \_\_\_\_\_



4201 Frankford Avenue  
Lubbock, TX 79407

To Whom it may concern,

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

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

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

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

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

If you have any additional information, please reach out to

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