



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Upon approval of these Regulations, previous versions are repealed.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.

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

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

SUBDIVISION PROCEDURES

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

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

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

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

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

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

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

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

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

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

LEGAL PROVISIONS

Enforcement

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

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

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

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

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

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

obtain authorization from the Designated Representative of South Plains Health Department prior to commencing or continuing construction in the subdivision.

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

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

Notice

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

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

PLAT PROCEDURE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DESIGN STANDARDS

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

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

Minimum lot dimensions shall conform to the following conditions:

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

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

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

MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS (MHRC)

- A. The Commissioners Court adopts and approves for use and application in these Regulations the following standards and regulations for Manufactured Home Rental Communities development located in the unincorporated area of the County.
- B. **Application.** The County's MHRC Application, Check List, and Fee Schedule in the current form promulgated by the County is available at no cost to the public at the office of the County Judge at the notice address, herein above in these Regulations. The MHRC Application form describes all required documentation for submission by the Sub-divider and/or Developer to the County of a completed MHRC application.
- C. **Completed Application.** A completed MHRC application will consist of: (1) the fully completed and executed application; and (2) the required infrastructure development plan and all supporting documents, as described herein.
- D. **Infrastructure Development Plan.** Construction of a proposed MHRC may not begin before an infrastructure development plan ("**plan**") has been submitted to and approved by the County, as follows:
 - a. Construction of a proposed manufactured home rental community may not begin before the infrastructure plan has been approved by Commissioners Court.

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