

ORDER NO. CC-2022-03

**AN ORDER OF THE COMMISSIONERS COURT OF KIMBLE COUNTY, TEXAS: (1) APPROVING AND ADOPTING THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR KIMBLE COUNTY, TEXAS; (2) APPROVING AND ADOPTING A FEE SCHEDULE AS WELL AS CERTAIN CIVIL AND CRIMINAL ENFORCEMENT REMEDIES REGARDING SAID REGULATIONS; AND (3) ESTABLISHING AN EFFECTIVE DATE AND COMPLIANCE WITH THE TEXAS OPEN MEETING ACT.**

**WHEREAS**, Kimble County, Texas (“County”) is a county of the State of Texas, having been duly created and organized under the constitution and laws of Texas, and further, the Kimble County Commissioners Court (“Commissioners Court”) is the governing body of the County; and

**WHEREAS**, pursuant to Article V, Section 18 of the Texas Constitution, Chapters 232 and 233 of the Texas Local Government Code, and other authority, the County may approve, adopt, and enforce regulations governing plats and subdivisions of land and manufactured home rental communities in the unincorporated area of Kimble County, Texas in order to promote the health, safety, morals, and general welfare of said county and the safe, orderly, and healthful development of the unincorporated area of said county, and further, to prevent colonias or other substandard development, said matters being declared to be worthwhile public purposes and in the public interest; and

**WHEREAS**, the County desires to approve, adopt, and enforce the **Subdivision and Manufactured Home Rental Community Regulations for Kimble County, Texas** (“Regulations”), dated and effective July 12, 2022, in the form and scope described in the attached **Exhibit 1**, said Regulations being related, among other things, to plats and subdivisions of land, plat procedure, design and construction standards, enforcement and other remedy issues, a fee schedule, and other related land development matters, including manufactured home rental community development and regulations, for application and implementation in the unincorporated area of Kimble County, Texas as authorized by law for County regulation; and

**WHEREAS**, the approval, adoption, and enforcement of the Regulations and this order shall accomplish or substantially achieve all public purposes described in those instruments;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** by the Kimble County Commissioners Court, for and on behalf of said County and in the public interest, as follows:

- (1) 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.

- (2) The caption and preliminary recitals of this order and all attached documents are incorporated by reference.
- (3) The Commissioners Court orders, approves, and adopts, and shall enforce, the **Subdivision and Manufactured Home Rental Community Regulations for Kimble County, Texas**, dated and effective July 12, 2022, in the form and scope described in the attached **Exhibit 1**.
- (4) The Commissioners Court orders that: (a) on behalf of the County and its Commissioners Court, the County Judge shall properly execute the Regulations and timely initiate and complete all tasks necessary or desired to accomplish the publication, distribution, and implementation of the Regulations in the public interest; (b) this order and the Regulations shall be filed of record in the official minutes of the Commissioners Court; (c) true and correct copies of this order and the Regulations shall be included and incorporated in the appropriate booklets, packets, or other documents published, distributed, or made available by the County to the public regarding land development matters; and (d) the County's staff and legal counsel shall assist the County Judge in the timely initiation and completion of all tasks herein described.
- (5) All notice and conditions precedent for the lawful approval and adoption of the Regulations have been timely accomplished by the County.
- (6) All prior acts of the County, including its elected officials, appointed officials, officers, employees, attorneys, agents, and representatives are hereby ratified, confirmed, and approved regarding the Regulations and any related matter.
- (7) This order shall take effect immediately from and after its passage.
- (8) This matter was ordered, approved, and adopted at a public meeting held in compliance with Chapter 551 of the Texas Government Code, the Texas Open Meetings Act.

**ORDERED, APPROVED, AND ADOPTED** on the 12<sup>th</sup> day of July, 2022.

**THE COMMISSIONERS COURT OF  
KIMBLE COUNTY, TEXAS**




---

County Judge, Delbert R. Roberts  
Kimble County, Texas

Brayden Schulze  
County Commissioner, Precinct 1  
Kimble County, Texas Brayden Schulze

Kelly Simon  
County Commissioner, Precinct 2  
Kimble County, Texas Kelly Simon

Dennis Dunagan  
County Commissioner, Precinct 3  
Kimble County, Texas Dennis Dunagan

Kenneth Hoffman  
County Commissioner, Precinct 4  
Kimble County, Texas Kenneth Hoffman

**ATTEST:**

Haydee Torres Haydee Torres  
County Clerk or Deputy County Clerk  
Kimble County, Texas



**EXHIBIT 1**

**(Subdivision and Manufactured Home Rental Community Regulations  
for Kimble County, Texas; Effective Date July 12, 2022)**

**SUBDIVISION AND MANUFACTURED HOME  
RENTAL COMMUNITY REGULATIONS**

**FOR**

**KIMBLE COUNTY, TEXAS**

**EFFECTIVE DATE: JULY 12, 2022**

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**ARTICLE 1 -- ADMINISTRATIVE PROVISIONS**

**§ 1.1 Enactment**

- (A) **County and Governing Body** – Kimble County, Texas (“**County**”) is a duly organized and operating county of the State of Texas, and the Kimble County Commissioners Court (“**Commissioners Court**”) is the governing body of the County.
- (B) **Declaration** – The County, acting by and through its Commissioners Court, hereby declares that these **Subdivision and Manufactured Home Rental Community Regulations for Kimble County, Texas** (“**Regulations**”) are lawfully enacted, approved, and adopted, and 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, approved, and adopted, and shall be enforced to accomplish the following worthwhile public purposes:
- (1) The Regulations shall govern plats and subdivisions of land, as well as manufactured home rental communities (“**MHRC**”), within the unincorporated area of Kimble County, Texas to promote the health, safety, morals and general welfare of the county and the safe, orderly, and healthful development of the unincorporated area of the county, and further, to prevent colonias or other substandard development.
  - (2) The Regulations shall ensure that adequate plats, plan, 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, approved, and adopted, 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; and (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.
- (B) **Accomplishment** -- The enactment, approval, adoption, and enforcement of the

Regulations shall substantially accomplish or advance all public purposes herein described.

**§ 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 business office address regarding notice or document submissions required by the Regulations are as follows:

County Judge  
 Kimble County, Texas  
 Kimble County Courthouse  
 501 Main Street  
 Junction, Texas 76849  
 Telephone: 325-446-2724

**§ 1.4 Effective Date** -- The effective date ("**Effective Date**") of the Regulations is July 12, 2022.

**§ 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, in force, 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 Kimble 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 Adopted Authority** -- The following legal authority, as amended, and the express and implied regulatory powers therein granted to the County, are hereby approved and adopted by the County to support the interpretation, application, use, and enforcement of these 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 Chs. 341, 343, 364, 366; TEX. LOC. GOV'T CODE Chs. 232 (Subchs. A, B, E), 233, 235, 242; TEX. LOC. GOV'T CODE §§ 212.013-.016, 232.028-029, 232.0032; TEX. PROP. CODE Chs. 12, 13; TEX. TRANSP. CODE §§ 201.619, 251.003, 251.008; TEX. WATER CODE Ch. 16 (Subchs. I, J); 30 TAC §§ 230.1-230.11; 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 (whether the term or phrase appears in capital lettering or in bolded, italicized, or underlined print).
- (1) **“Business day”** shall mean a day other than a Saturday, Sunday, or holiday recognized by the County.
  - (2) **“Colonias”** shall mean substandard, generally (but not always) impoverished rural subdivisions or other developments that lack basic utilities, drainage, and other infrastructure;
  - (3) **“Commissioners Court”** shall mean means the Commissioners Court of Kimble County, Texas.
  - (4) **“County”** shall mean Kimble County, Texas, including its elected officials, appointed officials, employees, agents, and representatives.
  - (5) **“County Clerk”** shall mean the County Clerk of Kimble County, Texas.
  - (6) **“County Judge”** shall mean the County Judge of Kimble County, Texas.
  - (7) **“Developer”** shall mean: (a) the fee simple owner (or authorized agent, assignee, or successor thereof) of land which is the subject of development; and (b) any owner of land (or authorized agent, assignee, or agent thereof) proposing to divide or dividing land so as to constitute a subdivision.
  - (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, use in the preparation of foods or beverages, cleaning 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 under 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 under 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) **“Manufactured Home”** shall mean: (a) a manufactured home or mobile home as defined by § 1201.003, Texas Occupations Code; (b) any other type of mobile home; and (c) any trailer, vehicle, camper, or recreational vehicle designed for use as a dwelling or for the overnight accommodation or lodging of a person.
- (14) **“Manufactured Home Rental Community” or “MHRC”** means a plot or tract of land that is 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 residence, as defined by § 232.007 of the Texas Local Government Code.
- (15) **“Minimum State Standards”** 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.
- (16) **“NFIP”** shall mean the National Flood Insurance Program 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.
- (17) **“OSSF”** shall mean an on-site sewage facility (and includes a septic system), as defined in rules and/or regulations adopted by TCEQ, including

but not limited to 30 TAC Chapter 285.

- (18) **“Plat”** shall mean a: (a) plat required by the Regulations; and (b) 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.
- (19) **“Plat Application”** shall mean the County’s Subdivision Plat Application Form described in § 3.2 and **Appendix/Exhibit A** of the Regulations.
- (20) **“Platted”** shall mean a plat recorded in an official plat record on file with the office of the County Clerk.
- (21) **“Purchaser”** shall include purchasers under executory contracts for conveyance of real property.
- (22) **“Regulations”** shall mean these Subdivision and Manufactured Home Rental Community Regulations for Kimble County, Texas.
- (23) **“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 OSSF), or cluster treatment systems such as septic tanks, and includes 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.
- (24) **“State”** shall mean the State of Texas and its administrative agencies.
- (25) **“Subdivision”** shall mean a division of land described in § 3.1 of these Regulations. A subdivision includes a re-subdivision (or replat) of land which was previously divided.
- (26) **“Surveyor”** shall mean a Texas Registered Professional Land Surveyor pursuant to Texas law.
- (27) **“TAC”** shall mean the Texas Administrative Code, as compiled by the Texas Secretary of State.
- (28) **“Texas Open Meetings Act”** shall mean Chapter 551 of the Texas Government Code.
- (29) **“TCEQ” or “the Commission”** shall mean the Texas Commission on Environmental Quality.

- (30) **“TWDB”** shall mean the Texas Water Development Board.
- (31) **“Utility”** shall mean a person, entity, or political subdivision providing the services of an electric utility under § 31.002 or Chapter 181 of the Texas Utilities Code, a gas utility or corporation pursuant to § 101.003 or Chapter 181 of the Texas Utilities Code, a water and sewer utility pursuant to § 13.002 of the Texas Water Code, or any other utility defined by Texas law.
- (32) **“Water District”** shall mean the following described, duly organized and operating special districts with jurisdictional authority granted by the law of the State of Texas regarding certain land located in Kimble County, Texas, said districts being authorized to develop, promote, and implement water conservation and water management strategies in order to conserve, preserve, and protect the groundwater supplies of the territorial land area of the respective district, and authorized to protect and enhance recharge, prevent waste and pollution, and effect the efficient use of groundwater in the territorial land area of the respective district:
- the **Kimble County Groundwater Conservation District (“Kimble County GCD”)**, with its present business office located at the Kimble County Courthouse, 501 Main Street, 2<sup>nd</sup> Floor, Junction, Texas 76849, and its present mailing address being P.O. Box 31, Junction, Texas 76849 (telephone 325-446-4826), and with its territorial land area comprising approximately 97.45% of the total land area of Kimble County, Texas; and
  - the **Hickory Underground Water Conservation District No. 1 (“Hickory UWCD 1”)**, with its present business office located at 111 East Main Street, Brady, Texas 76825, and its present mailing address being P.O. Box 1214, Brady, Texas 76825 (telephone 325-597-2785), and with its territorial land area comprising approximately 2.55% of the total land area of Kimble County, Texas.

## § 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.
- (B) **Incorporation by Reference** – The following matters are approved and incorporated by reference in the Regulations: (1) statements made in the preliminary recitals; (2) all documents attached as the Appendix; and (3) where applicable for the use, operation, and enforcement of these Regulations, all provisions of the County’s active floodplain management, sewer, septic/OSSF, or other development regulations.

- (C) **Minimum Requirements** -- These Regulations shall be considered as minimum requirements and liberally construed in favor of the County.
- (D) **Superseding Effect** -- These 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 Kimble 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 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 Subdivision Plat Application Form is described in **Appendix/Exhibit A**. 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 Form describes all required documentation for submission by the Developer to the County of a completed Plat Application. A completed Plat Application shall constitute and contain: (1) the fully completed and executed application; (2) the proposed plat and all supporting documents, as herein described; and (3) written evidence (in the form of a tax certificate or other tax entity issued document) showing that an ad valorem tax liability does not exist on the land made the subject of the subdivision development project.
- (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 shall not constitute plat approval by the County.