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Haydee Torres
Haydee Torres, County Clerk, Kimble County, Texas

REVISED PUBLIC HEARING DRAFT

**SUBDIVISION AND MANUFACTURED HOME
RENTAL COMMUNITY REGULATIONS**

FOR

KIMBLE COUNTY, TEXAS

EFFECTIVE DATE: ***, 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 *****, 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, 2nd 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.

- (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 these 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 the 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 these Regulations; (b) the required fees not be paid; (c) a delinquent ad valorem tax liability exist for the land made the subject of the proposed development; 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 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 these Regulations.
- (A) **Lawful Compliance** – The plat must comply with all applicable requirements prescribed by law and the Regulations, including the applicable statutes and regulations of the State of Texas and United States government, and their respective 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 Developer's surveyor and engineer, 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 the Regulations.
 - (2) **Additional Descriptions** -- The plat must describe all identifying data required by the 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 and any areas to be used by adjacent lot owners or purchasers; (e) rights of way and easements whether of record, apparent, or proposed; (f) natural drains, drainage structures or improvements whether of record, apparent, or proposed; (g) water bodies, water courses, and floodplain boundaries; (h) building and set-back lines; (i) lot frontages; and (j) 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, calls for the lines of established surveys, landmarks, school districts and other data furnished in a manner 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 required scale must be prominently shown.
- (F) **Lot/Block Dimension** -- The plat must state the dimensions of, and accurately but separately describe by metes and bounds, 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. 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) **Public Facilities/Constructed --** Should public or organized water, sewer, septic, and/or OSSF service and facilities be proposed for the subdivision, or be intended to be constructed or installed by the Developer to service the subdivision, the plat must contain information and documents by the Developer and his engineer describing and depicting: (a) the type and location of the proposed facilities (and any roadways and easements dedicated for the provision of service) to be constructed or installed to service the subdivision, and including suitability reports, calculations, and percolation test results; (b) a statement specifying the date by which said facilities will be fully operable; and (c) documents and a statement confirming that the plat, said facilities, and the subdivision comply with the applicable requirements of the (i) minimum state standards for the proposed facilities and service, (ii) County's water, drainage, sewer, septic, and/or OSSF regulations, (iii) County's groundwater sufficiency disclosure requirements and floodplain management regulations, and (iv) the regulations and management plans of the Water District (either Kimble County GCD or Hickory UWCD No. 1 as the case may be) having territorial jurisdiction regarding water wells and related permits for the land of the subdivision.

(2) **Private Facilities --** Should private water wells, septic, and/or OSSF facilities be proposed for the subdivision, with said facilities not to be constructed or installed by the Developer, the plat must contain information and documents (including suitability reports, calculations, and percolation test results) by the Developer and his engineer describing and depicting the: (a) type and location of the proposed facilities; and (b) documents and a statement confirming that the plat, said facilities, and the subdivision comply with the applicable requirements of the (i) minimum state standards for the proposed facilities, (ii) County's water, drainage, sewer, septic, and/or OSSF regulations, (iii) County's groundwater sufficiency disclosure requirements and floodplain management regulations, and (iv) the regulations and management plans of the Water District (either Kimble County GCD or Hickory UWCD No. 1 as the case may be) having territorial jurisdiction regarding water wells and related permits for the land of the subdivision.

(H) **Drainage --** The plat must describe the provision of a reasonable drainage plan approved by the Developer's engineer for the subdivision (including all roads, streets, bridges, culverts, driveways, or common use areas located therein) in accordance with standard engineering practice, and in compliance with the reasonable drainage standards described in **Appendix/Exhibit C**, 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 proposed future drainage structures (including bridges or culverts); and (2) the exact location, flow-line, and floodplain of existing water courses within the subdivision.

- (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 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, streets, bridges, driveways, culverts, and areas of common usage in the subdivision. These descriptions and all constructed roads, streets, bridges, culverts, driveways, and common usage areas shall comply with reasonable engineering standards and procedure, and comply with the drainage standards described by the Regulations and in **Appendix/Exhibits A and C**. Prior to any road, street, bridge, driveway, culvert, or area of common usage being constructed to connect to an existing county or state road, any such transportation infrastructure or facility and related drainage structures first shall be approved by the County.
- (2) **No Acceptance Policy** – The roads, streets, bridges, culverts, driveways, and areas of common use in the subdivision (described hereafter as “those aforesaid facilities or infrastructure” -- whether private or dedicated to public use) shall not be dedicated as County property, and those aforesaid facilities and infrastructure shall not be accepted by the County for County construction, operation, or maintenance. The County shall never be obligated in any way to construct, repair, or maintain (i) any of those aforesaid facilities or infrastructure located in any subdivision, or (ii) any non-County road which provides access to any subdivision. Furthermore, the approval, if any, of a subdivision plat by the County shall not be interpreted or construed as acceptance of any of those aforesaid facilities or infrastructure located in any subdivision. A subdivision plat must contain a specific description of this provision.
- (3) **Exception Regarding No Acceptance Policy** -- Notwithstanding anything to the contrary stated in these Regulations and prior to plat approval during the plat review process, should the Commissioners Court determine (as an

exception to the County's non-acceptance policy stated above) that a road, street, bridge, culvert, driveway, or area of common use which is described and dedicated to the public on the plat (hereafter described as "the aforesaid dedicated facility or infrastructure") may be considered by the Commissioners Court at a later date for acceptance into the County's public road, bridge, or drainage system of operation and maintenance – then, in that event (i) the Developer must execute prior to plat approval a good and sufficient bond for the construction and maintenance of the aforesaid dedicated facility or infrastructure unless another financial guarantee is authorized by these Regulations, (ii) the bond or guarantee must be approved by the Commissioners Court to predicate plat approval, (iii) the Developer must comply with the bond or other financial guarantee requirements of **Appendix/Exhibit F** attached to these Regulations, and (iv) the plat certifications required for plat approval shall be revised accordingly.

- (4) **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 hereby adopted and approved 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 required for lots located on county or other public roads is 100 feet unless otherwise required by state or federal law.
- (5) **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) 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 subdivision 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, with sufficient equipment included in the system to allow full access to the system by emergency service providers. The subdivision plat must describe and depict the location and components of this 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, and further, with sufficient equipment included in the system to allow full access to the system by emergency service providers. The subdivision plat must describe and depict the location and components of this fire suppression system.
- (L) **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.
- (M) **Groundwater Sufficiency Disclosure Statement** -- Pursuant to and in compliance with § 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, including without limitation the regulations contained in 30 TAC §§ 230.1-230.11. Should this plat certification be required, the Developer also shall transmit to the TWDB and any Water District (either Kimble County GCD or Hickory UWCD No. 1 as the case may be) that includes in the district's boundaries any part of the subdivision, as required by said §232.0032 and all 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 and this provision (M) has been transmitted to the TWDB and an applicable Water District if herein required.
- (N) **Use of Firearms, Bows, and Arrows** -- Regarding the use of firearms, bows, and arrows, in certain subdivisions, 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 N 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) **“air gun”** 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 located in the unincorporated area of the county in a subdivision; however, this regulation shall not be construed to prohibit the lawful discharge of air guns 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 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.
- (O) **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 plat sheets of at least the following dimension: 18 inches by 24 inches. The Developer shall provide to the County: (1) the original plat (including all required and attached documents) and one clearly marked, same-size copy of the original plat; and (2) six reduced size copies of the original plat, either 8.5 inches by 11 inches or 11 inches by 17 inches in dimension. The plat must be drawn according to the following scale: (1) one inch to 100 feet; or (2) one inch to 200 feet. Linear dimensions shall be shown in feet and hundredths of one foot. Angle dimension shall be shown in degrees, minutes, and seconds. Curve dimensions shall be shown through radius, arc, chord distance, and bearing.

- (P) **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 adopted, and approved for building and set-back lines in subdivisions: the plat shall describe and depict a twenty (20) foot building and set-back line on the front, sides, and rear of all lots or other divided parts in the subdivision.
- (Q) **Limitations Regarding County Construction/Maintenance Obligations** -- The plat must contain the following statements regarding the express limitations 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 KIMBLE COUNTY COMMISSIONERS COURT, KIMBLE 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 PROVISIONS OF THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR KIMBLE COUNTY, TEXAS.

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

KIMBLE 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 KIMBLE COUNTY COMMISSIONERS COURT, ANY SUCH PRIVATE PROPERTY SHALL BE OWNED BY AND REMAIN THE RESPONSIBILITY ITS OWNER, IN ACCORDANCE WITH THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR KIMBLE COUNTY, TEXAS.

- (R) **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 AND PLAT NOTES, ARE IN COMPLIANCE WITH THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR KIMBLE COUNTY, TEXAS; (2) THE REPRESENTATIONS ON THIS PLAT, INCLUDING ALL ATTACHED DOCUMENTS AND PLAT NOTES, ARE TRUE AND CORRECT; (3) THE DEVELOPER SHALL COMPLY WITH SAID REGULATIONS; AND (4) ALL DEDICATED LAND, ROADS, EASEMENTS, IMPROVEMENTS, FACILITIES, OR OTHER PROPERTY DESCRIBED ON THIS PLAT (IF ANY) ARE DEDICATED TO THE USE AND BENEFIT OF THE PUBLIC FOREVER.

- (S) **Lien Subordination Disclosure** -- The plat upon approval shall contain statements, signed and acknowledged by the Developer and any lienholder (current addresses shown), which certify lienholder consent and lien subordination to all public dedications.
- (T) **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 ATTACHED DOCUMENTS AND PLAT NOTES 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 AND PLAT NOTES COMPLY WITH ALL

SURVEYING AND PLAT DRAFTING REQUIREMENTS OF THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR KIMBLE 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.

- (U) **Developer 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 AND PLAT NOTES REGARDING THE SUBDIVISION IDENTIFIED SATISFY ALL REQUIREMENTS OF THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR KIMBLE COUNTY, TEXAS; AND (2) ALL ENGINEERING OR DESIGN REPRESENTATIONS ON THIS PLAT AND ALL ATTACHED DOCUMENTS AND PLAT NOTES ARE TRUE, CORRECT, AND IN COMPLIANCE WITH THE CURRENT STANDARDS OF REGISTERED AND LICENSED PROFESSIONAL ENGINEERING PRACTICE IN TEXAS.

- (V) **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 APPROVED ON _____ BY THE COMMISSIONERS COURT OF KIMBLE 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 KIMBLE COUNTY, TEXAS PURSUANT TO THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR KIMBLE COUNTY, TEXAS.

- (W) **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 must sign and seal the plat, and state on said plat the following:

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

- (X) **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 action 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/or the land, roads, easements, improvements, or other property, facilities, or infrastructure dedicated to the public on the plat), can only occur, if ever, by a subsequent, separate acceptance order being enacted and approved by the Commissioners Court at a public meeting in compliance with the Regulations.
- (Y) **Additional Plat Certifications** -- The following additional certifications, in language deemed sufficient by the certifying entity, shall appear on the plat: (1) the Water District (either Kimble County GCD or Hickory UWCD No. 1 as the case may be) having territorial jurisdiction regarding water wells and related permits for the land of the subdivision, shall certify on the plat that all lot owners in the subdivision shall comply with the permitting, registration, use, spacing, and pumping requirements of said district; (2) the applicable electric and gas utility service providers for the subdivision shall certify on the plat that electric and gas utility service is (a) currently available to all lots of the subdivision, or can be made available in the future to all lots in the subdivision, subject to proper application, permitting, infrastructure, and/or utility easement acquisition, and (b) the easements shown on the plat are of sufficient nature, shape, and size to accommodate electric utility service to all lots in the subdivision; and (3) the wastewater, sewer, and septic/OSSF facilities shown on the plat or intended for the subdivision shall be certified by the Developer, the Developer’s engineer, and the County’s wastewater, sewer, and septic/OSSF regulation officer (or agent or designee) as being in all things compliant with minimum state standards as herein required.

§ 4.2 **Plat Exceptions**

- (A) **Statutory Exceptions** – The plat exceptions (or exemptions) described in § 232.0015 of

the Texas Local Government Code are adopted and approved for use and application in the Regulations. 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 plat exceptions described in § 232.0015 exist.

- (B) **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.
- (C) **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 at the notice address described in § 3.1 of these Regulations.

§ 4.3 Variances

- (A) **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) MHRC and related infrastructure development plan approval. The variance, if granted, must be the result of the Commissioners Court acting through a recorded vote at a public meeting.
- (B) **Application** -- A Developer may request a variance from the County regarding these Regulations through the timely submission of a written variance request to the County Judge at the notice address described in § 1.3. Regarding a variance sought from the County’s subdivision regulations, the variance request must be submitted with the Subdivision Plat Application as described in **Appendix/Exhibit A**. Regarding a variance sought from the County’s MHRC regulations, the variance request must be submitted with the MHRC Application as described in **Appendix/Exhibit B**.
- (C) **Prohibition** -- The Commissioners Court may not grant a variance regarding: (1) the necessity of an approved plat or MHRC development plan if required by the Regulations; (2) a required bond or other financial security; (3) the payment of fees, unless the applicant is a unit of government or a non-profit entity; and (4) a variance which violates the variance standards hereafter described. Pecuniary hardship standing alone does not constitute an undue hardship or special circumstance to support the granting of a variance.
- (D) **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 the 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 the 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 the 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 the: (a) plat cancellation requirements of §§ 232.008 (general cancellation) and 232.0083 (obsolete plat cancellation), Texas Local Government Code; (b) plat revision requirements of § 232.009 of said code; (c) plat amendment requirements of § 232.011 of said code; and (d) dormant plat requirements of § 232.002 of said code.

ARTICLE 5 – MANUFACTURED RENTAL HOME COMMUNITY REGULATIONS AND FEE SCHEDULE

§ 5.1 Manufactured Home Rental Community Regulations -- Pursuant to § 232.007, Texas Local Government Code, the Commissioners Court approves and adopts the following regulations for Manufactured Home Rental Communities located in the unincorporated area of the county.

- (A) **Application** -- The County’s Manufactured Home Rental Community Application Form is described in **Appendix/Exhibit B**. 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 documents 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; (2) the required infrastructure development plan (“**plan**”) 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 MHRC development project.

(C) **Infrastructure Development Plan** -- Construction and occupancy of a proposed MHRC may not begin before the plan has been approved by the County, as follows:

- (1) **Drainage** -- The plan shall: (a) provide adequate drainage for the MHRC, including all streets or roads therein, in accordance with standard engineering practices as described in these Regulations for Subdivisions; (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. Drainage requirements for the MHRC shall comply with the drainage standards described for subdivisions in the Regulations.
- (2) **Water** -- The plan shall describe: (a) the provision of an adequate public or community drinking water supply to the MHRC in accordance with minimum state standards and **Appendix/Exhibit B**; and (b) the location of all facilities and supply lines for said water supply in accordance Subchapter C, Chapter 341, Texas Health and Safety Code.
- (3) **Sewer, Septic, OSSF** -- The plan shall describe and specify the provision of access of the MHRC to sanitary sewer or septic facilities and lines (including OSSF), in accordance with minimum state standards and **Appendix/Exhibit B**, and including: (a) providing and identifying the location of all sanitary sewer facilities and lines; (b) providing and identifying adequate sewer, septic, or OSSF facilities and lines in accordance with Chapter 366, Texas Health and Safety Code.
- (4) **Survey** -- The plan shall contain a land survey of the MHRC performed by a Texas registered professional land surveyor (on the ground), and shall identify: (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.
- (5) **Roads** -- The plan shall identify and describe all roads in the MHRC. Those roads shall be designed and constructed to comply with following standards, and to provide ingress and egress for fire and emergency vehicles: as described in the Regulations for subdivisions.
- (6) **Compliance** -- The plan shall demonstrate lawful compliance with: (i) all applicable requirements of these Regulations, the statutes and regulations of Texas and United States governments and their administrative agencies; (ii) the County's floodplain, water, drainage, sewer, and/or septic regulations; (iii) the regulations of the Water District (either Kimble County GCD or Hickory UWCD No. 1 as the case may be) having territorial jurisdiction regarding water wells and related permits for the land of the MHRC, including compliance with the permitting, registration, use, spacing, and pumping requirements of said district; (iii) the electric and gas

utility service provider regulations or requirements for the MHRC, with the inclusion of a provider certification on the plan showing that electric and gas utility service will be available to all lots or spaces in the MHRC and (iv) minimum state standards for water and wastewater service to all lots or spaces in the MHRC.

- (D) **Signature and Completeness** -- The MHRC application and proposed 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 plan are considered complete when all applicable documents or other information required by the Regulations is received by the County.
- (E) **Submission and Fees** -- The original and 2 copies of the MHRC application and proposed plan (both being fully executed, complete, and in compliance with the Regulations), with payment for all required fees, and with 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 MHRC development project, shall be submitted by the Developer to the County Judge at the notice address described in § 1.3 of the 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 the 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 approved, 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 of the MHRC may not begin (and the MHRC may not be occupied by tenants or lessees) before the date the 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 an MHRC subject to an approved 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. 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 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; (6) a special district or authority created by state law

that provides utility services; or (7) other utility described in the Regulations.

- (l) **MHRC Variance** -- The Commissioners Court may grant a variance (also called “waiver”) from these MHRC standards and requirements pursuant to the variance procedures described in § 4.3 of the Regulations.

- § 5.2 **Fee Schedule** – A reasonable fee schedule is adopted and approved for subdivision and MHRC development as described in **Appendix/Exhibit D**. The fees must be paid to the County before the County conducts a review of the proposed development project.

ARTICLE 6 – ENFORCEMENT AND INSPECTION

- § 6.1 **Enforcement** -- All applicable civil enforcement remedies and penalties, criminal enforcement remedies and penalties, and litigation recovery rights (whether legal, equitable, or mixed) authorized by these Regulations, or by Texas or federal law, are hereby adopted, approved and shall be implemented for a violation or threatened violation of these Regulations, including without limitation the following enforcement authority: Chapters 232, 233, and 235 of the Texas Local Government Code; Chapter 12 of the Texas Property Code; Chapter 16, Subchapter I, of the Texas Water Code; the County’s active floodplain management regulations; the County’s active sewer, septic, or OSSF regulations; and all other enforcement authority described in these Regulations. Nothing contained in these Regulations shall prevent the County from taking necessary or desired action to prevent or remedy a violation or threatened violation of these Regulations as allowed by law.
- § 6.2 **Inspection** -- The County’s officers, employees, agents, or consultants, as determined by the Commissioners Court, are authorized to: inspect proposed or active development projects to determine compliance with these Regulations; and make recommendations to the Commissioners Court regarding violations or threatened violations of the Regulations or other applicable authority pertaining to land development in the unincorporated area of Kimble County, Texas.

[END OF REGULATIONS]

CERTIFICATION OF ADOPTION

APPROVED BY: **The Commissioners Court of Kimble County, Texas**

ADOPTED: *******, 2022**

I, Delbert R. Roberts, the undersigned, being the County Judge of Kimble County, Texas and the Presiding Officer of the Commissioners Court of Kimble County, Texas (“Commissioners Court”), do hereby certify that the above and foregoing instrument (with attached Appendix) is the Subdivision and Manufactured Home Rental Community Regulations for Kimble County, Texas (“Regulations”), which were duly considered, enacted, approved, and adopted by the Commissioners Court at a public meeting duly convened and conducted on this date. Copies of the Regulations may be obtained from the official minutes of the Commissioners Court filed with and maintained by the County Clerk of Kimble County, Texas, or reviewed and downloaded from the internet website of said county at www.co.kimble.tx.us.

EXECUTED on the **** day of *****, 2022.

Hon. Delbert R. Roberts, County Judge
Kimble County, Texas

ATTEST:

County Clerk or Deputy County Clerk
Kimble County, Texas

APPENDIX TO:
SUBDIVISION AND MANUFACTURED HOME
RENTAL COMMUNITY REGULATIONS FOR
KIMBLE COUNTY, TEXAS

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

(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) Is the Developer requesting a variance from the Commissioners Court? ANSWER: ___ YES ___ NO. If YES, identify and describe your variance request and attach documents to support the request:

(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 Kimble County, Texas. All documents required by the Regulations for the proposed subdivision plat 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: _____, 20____

RECEIPT BY COUNTY:

RECEIVED BY:
Printed Name: _____ ; Title: _____
Kimble County, Texas
Date: _____, 20____

DOCUMENT LIST FOR SUBMISSION WITH SUBDIVISION PLAT APPLICATION

All of the following documents shall be submitted with the Subdivision Plat Application Form, as required by the Regulations. Please use and mark this list as the "checkboxlist" for your submission of documents to the County regarding this Application:

- (1) _____ 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)-(Z), 4.3, Appendix/Exhibits A, C-F);
- (2) _____ 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)-(Z), 4.3, Appendix/Exhibits A, C-F);

- (3) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance § 4.1(A)-(V) 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 §§ 3.1-.2, 4.1(A)-(Z), 4.3, Appendix/Exhibits A, C-F);
- (4) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with § 4.1(L) of the Regulations regarding the purchase contract disclosure obligation of the Developer regarding water availability and implementation (Regulations §§ 3.1-.2, 4.1(A)-(Z), 4.3, Appendix/Exhibits A, C-F);
- (5) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance 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 §§ 3.1-.2, 4.1(A)-(Z), 4.3, Appendix/Exhibits A, C-F);
- (6) _____ 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 the provisions 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 §§ 3.1-.2, 4.1(A)-(Z), 4.3, Appendix/Exhibits A, C-F);
- (7) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the minimum standards described in the Regulations, including: (i) compliance with federal, state, and local law requirements, including without limitation compliance with minimum state standards regarding water, sewer, septic, OSSF facilities and service; (ii) compliance with specific property description, identifying data, and signature requirements; (iii) compliance with specific survey data requirements; (iv) compliance with specific lot and block dimension requirements; (v) compliance with specific water, groundwater, sewer, and OSSF disclosure requirements, including compliance with applicable water, drainage, septic, OSSF, and floodplain

management regulations; (vi) compliance regarding a reasonable drainage plan for the subdivision; (vii) compliance with specific topographical description requirements; (viii) compliance with specific road/driveway, lot frontage, and floodplain management requirements; and (ix) compliance with specific fire suppression system requirements and restrictions on use of firearms and bows in certain subdivisions (Regulations §§ 3.1-.2, 4.1(A)-(Z), 4.3, Appendix/Exhibits A, C-F);

- (8) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the Regulations regarding the bond or other financial security requirements for certain proposed improvements in the subdivision (Regulations §§ 3.1-.2, 4.1(A)-(Z), 4.3, Appendix/Exhibits A, C-F);
- (9) _____ 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 §§ 3.1-.2, 4.1(A)-(Z), 4.3, Appendix/Exhibits A, C-F); and
- (10) _____ documents showing payment of all application fees to the County, as required by the Regulations (Regulations §§ 3.1-.2, 4.1(A)-(Z), 4.3, Appendix/Exhibits A, C-F).

EXHIBIT B:

MANUFACTURED HOME RENTAL
COMMUNITY APPLICATION

**KIMBLE 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: _____ **ENGINEER:** _____
Address: _____ Address: _____

Telephone: _____ Telephone: _____
Facsimile: _____ Facsimile: _____

SURVEYOR: _____
Address: _____

Telephone: _____
Facsimile: _____

(1) Regarding a proposed MHRC, the following documents are required to be submitted to Kimble County ("County") for review with this Application: all documents required for an MHRC by the active Subdivision and Manufactured Home Rental Community Regulations for Kimble County, Texas ("Regulations"), in the form, type, and number therein described, and 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
Kimble County, Texas
Kimble County Courthouse
501 Main Street
Junction, Texas 76849
Telephone: 325-446-2724

(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) Is the Developer requesting a variance from the Commissioners Court? ANSWER: ___ YES ___ NO. If YES, identify and describe your variance request and attach documents to support the request:

(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 Kimble 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: _____, 20__

RECEIPT BY COUNTY:

RECEIVED BY:
Printed Name: _____; Title: _____
Kimble County, Texas
Date: _____, 20__

DOCUMENT LIST FOR MHRC APPLICATION

All of the following documents shall be submitted with the MHRC Application Form, as required by the Regulations. Please use and mark this list as the "checklist" for your submission of documents to the County regarding this Application:

- (1) _____ a complete and executed MHRC Application in compliance with the Regulations, with all required documents and payment of fees (Regulations §§ 4.3, 5.1-5.4, Appendix/Exhibits B-F);
- (2) _____ a proposed MHRC infrastructure development plan ("Plan") as described by the Regulations, which is fully executed, certified, and acknowledged by the proper parties (including the Developer and its engineer and surveyor), as designated in the Regulations, but excluding from compliance at application submission: (a) the signatures, acknowledgements, and/or certifications of the County's representatives; and (b) the filing or recordation of the Plan (Regulations §§ 4.3, 5.1-5.4, Appendix/Exhibits B-F);

- (3) _____ a proposed Plan and all supporting documents describing and demonstrating compliance with the MHRC drainage, water, and wastewater requirements of the Regulations, including without limitation providing accurate descriptions and specifications regarding: (a) adequate drainage for the MHRC, including all streets or roads therein, in accordance with standard engineering practices; (b) necessary drainage culverts and other drainage facilities for the MHRC; (c) the areas of the MHRC located in the floodplain; (d) the provision of an adequate public or community water supply to the MHRC in accordance with minimum state and local standards and Water District requirements; (e) the location of all facilities and supply lines for said water supply in accordance with Subchapter C, Chapter 341, Texas Health and Safety Code; and (f) the provision of access of the MHRC to sanitary sewer or septic facilities and lines, in accordance with minimum state and local standards, and including (i) providing and identifying the location of all sanitary sewer facilities and lines, (ii) providing and identifying adequate OSSF sewage facilities and lines in accordance with Chapter 366, Texas Health and Safety Code, and (iii) compliance with the state and local requirements (Regulations §§ 4.3, 5.1-5.4, Appendix/Exhibits B-F);
- (4) _____ a proposed Plan and all supporting documents describing and demonstrating compliance with the MHRC land survey requirements 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: (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 (Regulations §§ 4.3, 5.1-5.4, Appendix/Exhibits B-F);
- (5) _____ a proposed Plan and all supporting documents describing and demonstrating compliance with the MHRC road requirements of the Regulations, including without limitation providing accurate descriptions and specifications regarding all roads to be located in the MHRC (Regulations §§ 4.3, 5.1-5.4, Appendix/Exhibits B-F);
- (6) _____ a proposed Plan and all supporting documents describing and demonstrating compliance with all applicable requirements of: (a) the Regulations; (b) state, federal, and local law; (c) the Water District regulations; and (d) the County's active floodplain management, water, sewer, drainage, septic, and OSSF regulations (Regulations §§ 4.3, 5.1-5.4, Appendix/Exhibits B-F);
- (7) _____ a proposed Plan and all supporting documents describing and demonstrating the Developer's knowledge of, and expressed intent to comply with, the specific MHRC restrictions described in the Regulations regarding the prohibited: (a) construction and/or occupancy of the MHRC prior to County approval of the plan and County issuance of the required Certificate of Compliance; and (b) 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 §§ 4.3, 5.1-5.4, Appendix/Exhibits B-F);

- (8) _____ 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 §§ 4.3, 5.1-5.4, Appendix/Exhibits B-F); and
- (9) _____ documents showing payment of all Plan application fees to the County, as required by the Regulations (Regulations §§ 4.3, 5.1-5.4, Appendix/Exhibits B-F).

EXHIBIT C:
DRAINAGE STANDARDS

DRAINAGE STANDARDS

These drainage standards shall apply for subdivisions and manufactured home rental communities (“MHRC”) located in the unincorporated area of Kimble County, Texas:

- (1) General Purpose – In the interests of public safety, these standards are designed to:
 - (a) provide adequate drainage for each lot, space, or other divided part (including streets or roads) of the proposed development area in compliance with standard engineering practice;
 - (b) provide adequate drainage to the proposed development area to efficiently manage the flow of storm water or other runoff or flooding (including flooding or runoff associated with a 100-year flood) in compliance with standard engineering practice;
 - (c) provide adequate plats, plans, design and planning procedures, water, sewer, septic, and OSSF facilities, and related drainage for the proposed development area in accordance with standard engineering practice; and
 - (d) coordinate adequate drainage in the proposed development area with the general storm drainage pattern for the area in accordance with standard engineering practice.
- (2) Drainage Study – The following requirements shall apply:
 - (a) All lots, spaces, or other divided parts shall comply with the minimum requirements of: (i) the County’s on-site sewage facilities order, or other applicable County sewer, septic, or OSSF regulations; and (ii) the minimum requirements of state law regarding sewer, septic, or OSSF systems.
 - (b) A drainage study shall be made of the proposed development area to insure proper drainage and, if necessary, additional right of way shall be obtained for drainage easement(s) as determined to be necessary or desired. The drainage study (including calculations and related drawings) shall be submitted in the application accompanying submission of the plat or plan for the proposed development. The study shall include all necessary requirements to adequately handle all drainage water entering into and being generated as a result of the proposed development.

- (c) The exact dimensions and type of the permanent drainage system for the development area, including culverts, bridges, pipes, drainage boxes, low water crossings, and other drainage facilities and infrastructure shall be established for each development project in accordance with these Regulations.
- (d) A proper and adequate system of drainage shall be constructed to effectively dispose of surface and storm water (including that associated with a 100-year flood) regarding the area of the proposed development. The drainage system shall include the drainage of all lots, spaces, or other parts of the development area offered to the public for sale, lease, use, or occupancy, the roads and streets of said area, and all other divided parts of said area.
- (e) Drainage from the proposed development area shall be extended to the natural drains in the area having the capacity to efficiently manage the flow of storm water runoff.
- (f) Drainage material, equipment, facilities, and infrastructure shall be constructed of a permanent type, either concrete or steel and concrete, or as otherwise described in these Regulations or approved by the County. All drainage facilities, equipment, and infrastructure shall be designed and constructed in accordance with recognized engineering standards and practices.
- (3) Drainage Design – All drainage design shall be based on the following criteria unless otherwise approved by the County:
- (a) General: All storm drainage calculations shall be based on the Manning's Equation for Flow, as follows:
- $$Q = A \text{ times } (1.486 \text{ divided by } n) \text{ times } R \text{ to the } 2/3 \text{ power times } S \text{ to the } 1/2 \text{ power}$$
- Q = Discharge in cubic feet per second
A = Cross sectional area of the drainage way in square feet
n = Roughness coefficient
R = Hydraulic radius in feet
S = Hydraulic slope
- (b) Roughness Coefficients:
- Reinforced concrete pipe (to be approved by County - n = .012)
Corrugated metal pipe (to be approved by County)
- Asphalt Coated - n = .024
 - Asphalt paved inert - n = .020
 - Fully asphalt lined - n = .012

Smooth interior plastic pipe - n = .012

Reinforced concrete boxes - n = .012

Concrete lined open channel -- n = .012

Unlined open channels

- Bottom width < 25 ft. - n = .040
- Bottom width > 25 ft. - n = .035

(c) Design Criteria for Unlined Open Channels:

Minimum Velocity	2 feet per second
Maximum Velocity	4 feet per second'
Minimum Free Board	1 foot
Minimum Side Slope	3 foot horizontal to 1 foot vertical or as otherwise designated by County
Bottom Width	as required
Minimum Easement Width	30 feet or as otherwise approved by County
Minimum Slope	0.10 percent

(d) Design Criteria for Lined Channels:

Minimum Velocity	2 feet per second
Maximum Velocity	10 feet per second
Minimum Free Board	1 foot
Minimum Side Slopes	2 foot horizontal to 2 foot vertical
Bottom Width	As required
Minimum Easement Width	30 feet or as otherwise approved by County

(e) Driveways and Culverts: All driveway culverts placed for access to a lot or other divided part or space shall be sized to carry a minimum of 125% of the Design Requirement including entrance and exit losses. Minimum culvert size shall be 18". All driveways shall be designed to not obstruct the normal flow of water.

(f) Determination of Run-Off: Run-Off from the development area will be determined by the "Rational Method," from the equation below and a C-factor based on total development of the proposed subdivision. Intensity for Runoff calculations for minor drainways within the development area will be based on a 5, 25, and 100-year storms for all major drainways within the development area.

Q = CIA

Q = Cubic feet, per second

I = Intensity in inches per hour

A = Area in acreage
C = Run-off coefficient

- (g) **Outfalls from Ditches:** Outfalls from ditches into natural or constructed drainage ways shall enter at or above the grade of drainage channel. If necessary, drop or other types of outfall structures shall be installed to prevent erosion. These structures shall be placed so as to not interfere with maintenance of the channel.
- (h) **Water Conveyance:** Lots, spaces, and other 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 course as directly as possible.
- (i) **Grade Requirements:** The maximum grade of all streets and roads shall be 5.0% unless otherwise approved by the County. The minimum grade of streets and roads shall be 0.2% unless otherwise approved by the County.
- (j) **Drainage Ditches:** All streets and road without curbs and gutters shall have drainage ditches adjacent to and running parallel to the adjacent 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.
- (k) **Permanent Drainage Structures:** Permanent drainage structures, including but not limited to culverts, pipes, drainage boxes, and/or bridges shall be installed at all crossings of drainage courses, including drainage ditches intersecting with driveways, roads, and streets.
- (l) **Permanent 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.
- (m) **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.

- (n) **Plat or Plan Description:** 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 development area, must be shown on all plats and plans submitted to the County for review.
 - (o) **Floodplain Requirements:** Should the proposed development area contain land designated as a floodplain: (i) the plat or plan must clearly describe and depict all floodplain, flood zone, and floodway locations; and (ii) any structure to be constructed in the floodplain must have a finished floor elevation established that is a minimum of 1 foot above the base flood elevation, and otherwise comply with the NFIP, state law, and the County's active flood damage prevention order or other floodplain management regulations.
- (4) **Water/Sewer/OSSF Facilities –**
- (a) **Public Facilities/Service --** Should public or organized water, sewer, septic, and/or OSSF service and facilities be proposed for the subdivision or MHRC development project, or be intended to be constructed or installed by the Developer to service said project, the plat or plan must contain documents by the Developer and his engineer describing and depicting: (a) the type and location of the proposed facilities (and any roadways and easements dedicated for the provision of service) that will be constructed or installed to service the development project, and including suitability reports, calculations, and percolation test results; (b) a statement specifying the date by which said facilities will be fully operable; and (c) documents and a statement confirming that the plat or plan, said facilities, and the entire development project comply with the applicable requirements of the (i) minimum state standards for the proposed facilities and service, (ii) County's water, drainage, sewer, septic, and/or OSSF regulations, (iii) County's groundwater sufficiency disclosure requirements and floodplain management regulations, and (iv) the regulations and management plans of the Water District (either Kimble County GCD or Hickory UWCD No. 1 as the case may be) having territorial jurisdiction regarding water wells and related permits for the land of the development project.
 - (b) **Private Facilities --** Should private water wells, septic, and/or OSSF facilities be proposed for the subdivision or MHRC development project, with said facilities not to be constructed or installed by the Developer to service said project, the plat or plan must contain documents by the Developer and his engineer (including suitability

reports, calculations, and percolation test results) describing and depicting the: (a) type and location of the proposed facilities; and (b) documents and a statement confirming that the plat or plan, said facilities, and the entire development project comply with the applicable requirements of the (i) minimum state standards for the proposed facilities, (ii) County's water, drainage, sewer, septic, and/or OSSF regulations, (iii) County's groundwater sufficiency disclosure requirements and floodplain management regulations, and (iv) the regulations and management plans of the Water District (either Kimble County GCD or Hickory UWCD No. 1 as the case may be) having territorial jurisdiction regarding water wells and related permits for the land of the development project.

EXHIBIT D:
FEE SCHEDULE

FEE SCHEDULE

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

- (1) Requirements – Subdivision plat application fees shall be paid to the County at the time of application submission -- except filing and recording fees pertaining to an approved subdivision plat shall be paid to the County Clerk by the Developer upon plat filing and recordation. MHRC fees shall be paid to the County at the time of infrastructure development plan submission. All fee amounts shall be paid in full by cashier's check or money order payable to the order of Kimble County, Texas and shall be timely delivered by hand, courier, or mail to the office of the County Judge described in § 1.3 of the Regulations.
- (2) Amounts -- The following fee amounts are approved and adopted:
 - (a) regarding a subdivision plat or MHRC infrastructure development plan (including the original or amended instrument, or a replat): a base fee of \$3,000.00, plus a \$300.00 per lot, space, or divided part fee, plus all required filing and recording fees, if any, are required;
 - (b) regarding a Certificate of Approved Plat: a fee of \$50.00 is required for each requested certificate;
 - (c) regarding a Certificate of MHRC Compliance: fee of \$50.00 is required for each requested certificate.

EXHIBIT E:

**DEVELOPER ROAD DAMAGE AND
REPAIR PROVISIONS**

DEVELOPER ROAD DAMAGE AND REPAIR PROVISIONS

(1) **Definitions.** The special definitions of the above and foregoing Subdivision and Manufactured Home Rental Community Regulations of Kimble County, Texas are incorporated by reference, and for purposes of this **Exhibit E**, “**Developer**” shall include the employees, agents, assigns, successors, contractors, and subcontractors of the Developer.

(2) **Road System.** The County’s public road and bridge system (“Road System”) is located in Kimble County, Texas and is owned, operated, and maintained by the County. The Road System includes the County’s: roads, easements, and rights of way; bridges and abutments; driveways, fencing, and gates; bar-ditches, culverts, and drainage areas; traffic signals, delineators, road signs, and other traffic control devices; and all other land, infrastructure, facilities, equipment, and personal property owned or used by the County for its public road and bridge system.

(3) **Developer Obligations.** The road damage and repair obligations of the Developer described in these provisions shall begin on the date of the subdivision plat or MHRC infrastructure development plan approval, if any, and said obligations shall be effective and enforceable for the periods of project construction, operations, and maintenance, and for as long as the development project (as described in said plat or plan) exists in Kimble County, Texas. Should a violation of these road damage and repair obligations be committed by the Developer, the County may pursue and recover all remedies authorized by law or equity. Upon said plat or plan approval, the County and Developer shall endeavor to approve and execute a separate road damage and repair agreement regarding the development project which includes the provisions stated in this **Exhibit E**; however, such agreement shall not be a condition to plat or plan approval.

(4) **Road System Use and Repair.**

(a) **Authorized Road System Use.** The Developer is authorized to use the following parts of the County’s Road System for its development project operations: all County roads and bridges in said system.

(b) **Required Licenses and Permits.** While using the Road System for those stated operations, the Developer shall obtain and maintain in full force and effect all licenses and permits required by federal or state law for the operation of its vehicles, equipment, and accompanying weight loads.

(c) **Developer Repair Obligations.** The Developer shall repair at its sole expense (using all required labor, materials, and equipment) any part of the County’s Road System which is: (i) located outside the boundary of the subdivision or MHRC development area; and (ii) damaged by a Developer-caused damage event during project construction, operations, or maintenance. The repair of said damage shall be completed by the Developer: (i) on or before 90-days from the occurrence of a Developer-

caused damage event, unless a reasonable time extension is requested by the Developer and granted by the written consent of the County, which consent shall not be unreasonably withheld; and (ii) pursuant to the following standard of repair -- specifically, a repair to the Road System which restores the system to the same or better condition as existed before the damage event, normal wear being excepted. Upon the cessation of development project construction, operations, or maintenance, and/or the removal of project facilities and equipment from the development area, the Developer shall leave the Road System in the same or better condition as existed before the Developer-caused damage event, normal wear being excepted.

- (d) **Traffic Disruption.** The Developer shall: (i) use commercially reasonable efforts to minimize the disruption to the Road System caused by project construction, operations, or maintenance; and (ii) during project construction, operations, or maintenance that may adversely affect the Road System, take commercially reasonable action to reasonably notify the Kimble County Judge and any affected Kimble County Commissioner of the proposed disruption to the Road System.
- (e) **Traffic Signal Replacement.** The Developer shall replace any road signs, delineators, or other traffic signals or devices of the County's Road System damaged by the Developer during project construction, operations, or maintenance.
- (f) **County Inspection Rights.** The County shall have the right to: (i) inspect all repair work conducted on the Road System by the Developer to confirm compliance with these provisions, however, County inspections shall not unreasonably interfere with the Developer's repair work being conducted on the Road System; and (ii) inspect and obtain (at the County's sole expense) copies of the Developer's non-confidential business records regarding the repair work to ensure Developer compliance with these provisions.
- (g) **Notice of Repair Completion.** On or before 10-days of the completion of the aforesaid Developer repairs to the Road System, the Developer shall provide the County with a signed letter from the Developer's engineer (which shall include the engineer's professional stamp authorized by the State of Texas) certifying that the resulting repairs and any related improvements were constructed: (i) in compliance with these provisions; and (ii) within the public road or bridge right of way or easement.
- (h) **Insurance.** Regarding all repair work conducted by the Developer on the Road System pursuant to these provision, the Developer shall maintain the

following insurance coverage, and shall provide insurance coverage certificates to the Kimble County Judge confirming such coverage on or before seven 7-days prior to commencement of any repair activities conducted on the Road System, and also confirming such coverage within 24-hours of any change in the required coverage: (i) liability coverage (naming the County as an additional insured) regarding death, personal injury, and/or property damage resulting from the repair activities on the Road System, in the minimum amount of \$1,500,000.00 per occurrence; (ii) applicable workers' compensation coverage regarding the employees of the Developer (or its contractors or subcontractors) conducting repair activities on the Road System, in the minimum amounts required by state law (including self-insurance, if any, authorized by Texas law); and (iii) motor vehicle coverage regarding all vehicles used by the Developer during said repair activities, in the minimum amounts required by Texas law.

EXHIBIT F:

**BOND OR OTHER FINANCIAL
GUARANTEE REQUIREMENTS**

BOND OR OTHER FINANCIAL GUARANTEE REQUIREMENTS

1. General Requirements

- (a) **Bond or Financial Guarantee Required.** Notwithstanding anything to the contrary stated in these Regulations -- and prior to plat approval during the plat review process -- should the Commissioners Court determine (as an exception to the County's general non-acceptance policy) that a road, street, bridge, culvert, driveway, or area of common use which is described and dedicated to the public on the plat (hereafter described as "the aforesaid dedicated facility or infrastructure") as an exception may be considered by the Commissioners Court at a later date for acceptance into the County's public road, bridge, or drainage system of operation and maintenance, Then, and in that event: (i) the Developer must execute prior to plat approval a good and sufficient bond for the construction and maintenance of the aforesaid dedicated facility or infrastructure unless another financial guarantee is authorized by these Regulations; and (ii) the bond or guarantee must be approved by the Commissioners Court to predicate plat approval.
- (b) **Approval.** The bond or financial 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 aforesaid dedicated facility or infrastructure for the subdivision, but must not exceed the 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 aforesaid dedicated facility or infrastructure for the subdivision.
- (c) **Construction/Maintenance Limitations for Public Dedication.** Upon plat approval, the County expressly does not accept for County construction, operation, repair, or maintenance purposes the aforesaid dedicated facility or infrastructure described on the plat. Upon plat approval, the construction or maintenance of the aforesaid dedicated facility and infrastructure described on the plat shall remain the responsibility of the Developer (in accordance with these Regulations and the approved bond or other guarantee) until said facility or infrastructure are accepted, if ever, by the Commissioners Court by a subsequent, separate acceptance order being enacted and approved by the Commissioners Court.

2. Bond Requirements

- (a) **Bond Payee or Beneficiary Description.** The bond 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 plat approval.

- (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: (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.
- (c) **Bond Amount.** The bond must be in an amount determined by the Commissioners Court to be adequate to ensure proper construction of the aforesaid dedicated facility or infrastructure requirements for the subdivision, but must not to exceed the estimated cost of construction.
- (d) **Bond Condition.** The bond shall be conditioned that the aforesaid dedicated facility and infrastructure for the subdivision (which shall be specifically named and described in the bond) shall be: (i) constructed and maintained by the Developer in accordance with all specifications, requirements, and standards described in these Regulations; and (ii) constructed within a reasonable time set by the Commissioners Court, but not less than one year from the date of plat approval.
- (e) **Bond Term.** The bond shall be for a term of years not less than three years from the date of plat approval.

3. 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: (i) a monetary deposit (in good funds approved by the County); (ii) an irrevocable letter of credit ("LOC") issued by a federally insured financial institution; or (iii) 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) **Guarantee Conditions.** The financial guarantee (whether a monetary deposit, LOC, or other type authorized by these Regulations) shall be:
 - (i) payable to the County Judge (in his official capacity) or his successor in office, fully executed by the Developer and his guarantor, and approved by the Commissioners Court prior to plat approval;

- (ii) be in an amount determined by the Commissioners Court to be adequate to ensure proper construction of the aforesaid dedicated facility or infrastructure requirements for the subdivision, but must not to exceed the estimated cost of construction;
 - (iii) conditioned that the aforesaid dedicated facility and infrastructure for the subdivision (which shall be specifically named and described in the guarantee) shall be: (1) constructed and maintained by the Developer in accordance with all specifications, requirements, and standards described in these Regulations; (2) constructed within a reasonable time set by the Commissioners Court, but not less than one year from the date of plat approval; and
 - (iv) be for a term of years not less than three years from the date of plat approval.
- (c) Letter of Credit. If an LOC is used for the guarantee, it must conform to the following requirements:
- (i) Beneficiary. The LOC must list as the sole beneficiary the County Judge or his successor in office.
 - (ii) 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 approval of the plat.
 - (iii) Requirements. The LOC shall meet the following requirements:
 - (1) 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:
 - (a) 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.
 - (b) 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.

- (c) 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.
 - (d) Any LOC submitted as a financial guarantee for combined amounts greater than \$250,000 must be from financial institutions which meet the following qualifications:
 - (e) 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.
 - (f) 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.
 - (g) 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.
- (2) 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.

- (3) **Amount and Conditions.** 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. 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.