SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS

FOR

ECTOR COUNTY, TEXAS

EFFECTIVE DATE:

NOVEMBER 24, 2014

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ARTICLE 1 -- ADMINISTRATIVE PROVISIONS

§1.1 Enactment

The Commissioners Court of Ector County, Texas hereby declares that these Subdivision and Manufactured Home Rental Community Regulations for Ector County, Texas are lawfully enacted, ordered, adopted, approved, and shall be enforced, pursuant to and in compliance with the express and implied authority contained in the Texas Constitution, statutes, and other authority described in these regulations.

§1.2 Public Purpose

(A) These regulations are enacted, ordered, adopted, approved, and shall be enforced to accomplish the following worthwhile public purposes:

(1) These regulations shall govern plats and subdivisions of land, as well as manufactured home rental communities, within the unincorporated area of Ector County 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.

(2) These regulations shall ensure that adequate plats, design and planning procedures, water, sewer, septic, and OSSF facilities, and utility and transportation infrastructure are provided in the unincorporated area of the county.

(3) These regulations are reasonably taken, adopted, and approved, in whole or in part, 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 floodplain; (c) regulate sewer and on-site sewage/sewer facilities (OSSF); (d) prevent waste; (e) protect 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 imminent destruction of property or injury to persons from flooding within a floodplain established by a federal flood control program and enacted to prevent the flooding of buildings intended for public occupancy.

(B) The enactment, order, adoption, approval, and enforcement of these regulations shall substantially accomplish, advance, and achieve all public purposes described in these regulations or required by law.

§1.3 Notice and Conditions Precedent

(A) All notice requirements and conditions precedent for the lawful enactment, order, adoption, approval, and enforcement of these regulations have been accomplished.

(B) Unless otherwise designated by these regulations, any notice required or permitted under these regulations must be in writing and served upon the recipient/addressee by: (1) personal or courier delivery; or (2) certified mail/return receipt requested through the United States Postal Service with postage prepaid and the notice correctly addressed to the recipient/addressee.

(C) The current authorized address for Ector County, including its Commissioners Court and County Judge, is as follows: Office of the County Judge, Ector County, Texas, Ector County Courthouse, 300 North Grant Street, Odessa, Texas 79761. If this address changes in the future, the authorized address for said parties shall be the then current business office address of the County Judge.

§1.4 Effective Date

The effective date of these regulations is November 24, 2014.

§1.5 Partial Invalidity

(A) Should any part of these regulations, or the application or enforcement thereof, be adjudged invalid by any court or regulatory agency, the remainder of these regulations shall remain operable, enforceable, and fully effective.

(B) These regulations supersede any subdivision regulations previously adopted, enacted, ordered, or approved by the County prior to the effective date of these regulations.

§1.6 Appendix

Attached to these regulations is an Appendix. All documents of the Appendix are incorporated by reference.

§1.7 ETJ Regulation

The authority of the County to regulate plats or subdivisions in the extraterritorial jurisdiction (ETJ) of a municipality is subject to any applicable limitation prescribed by an agreement between governmental entities pursuant to, or an exemption or other requirement existing under, Chapter 242 of the Texas Local Government Code or other relevant authority.

§1.8 Adopted Authority

(A) The following authority, and the express and implied regulatory powers therein granted to the County, is hereby adopted, enacted, and approved by the County to support the use, interpretation, application, and enforcement of these regulations: TEX. CONST. art. 5, §18; TEX. LOC. GOV'T CODE §§212.013, 212.014, 212.015, 212.016, 232.001, 232.0013, 232.0015, 232.002, 232.021, 232.0025,

232.003, 232.0031, 232.0032, 232.0033, 232.004, 232.0045, 232.0048, 232.005, 232.007, 232.008, 232.0083, 232.0085, 232.009, 232.0095, 232.010, 232.011, 232.023, 232.024; 232.029, 232.032, 232.101, 232.102, 232.103, 232.104, 232.105, 232.106, 232.107, 232.108, 232.109, 233.031, 233.032, 233.033, 233.034, 233.035, 233.036, 233.037, 242.001, 242.0015; TEX. LOC. GOV'T CODE Chs. 232 (Subchs. A, E), 233, 235, 242;_TEX. PROP. CODE Chs. 12, 13; TEX. TRANSP. CODE §§201.619, 251.003, 251.008; TEX. WATER CODE Ch. 16, Subch. I; Sections 4001-4027, Title 42 of the United States Code (the National Flood Insurance Act or NFIP); 44 CFR Ch. I, Subch. B, Parts 59, 60; the County's Flood Damage Prevention Order, ordinance or other floodplain management regulations; the County's sewer, septic, or OSSF order, rules or regulations; and all other authority recited or described in these regulations.

(B) When a constitution, statute, administrative regulation, or local order, regulation, or rule is cited or described in this order, it shall be construed to include its active, most recent version.

ARTICLE 2 -- DEFINITIONS

§2.1 Common Usage and Special Definitions

(A) Unless specially defined in these regulations, words or phrases used in these regulations shall be interpreted according to their common usage or meaning in order to result in the most reasonable application.

(B) The definitions in the following County regulations, where applicable, are incorporated by reference for use and application regarding these regulations: (1) the County's Flood Damage Prevention Order, ordinance, or other floodplain management regulations; and (2) the County's sewer, septic, or OSSF order, rules or regulations. Should a conflict exist between a definition described in these regulations -- and an applicable definition described in the aforesaid County regulations -- the more restrictive definition or provision shall control for the purpose of these regulations.

(C) Unless otherwise designated, these terms and phrases have the following meanings:

(1) "Commissioners Court" means the Ector County Commissioners Court.

(2) "County" means Ector County, Texas, a county and political subdivision of the State of Texas, including and acting through its elected officials, appointed officials, employees, and agents.

(3) "County Clerk" means the County Clerk of Ector County. The current business office of the County Clerk is located at the Ector County Courthouse, 300 North Grant Street, Odessa, Texas 79761. If this address changes in the future, the authorized address for said party shall be the then current business office address of the County Clerk.

(4) "County Designee" and "Project Manager" means the Project Manager of the Public Works Department of Ector County. The current business address of the County Designee/Project Manager is located at 1010 East 8th Street, Odessa, Texas 79761. If this address changes in the future, the authorized address for said party shall be the then current business office address of the County Designee/Project Manager.

(5) "County Judge" means the County Judge of Ector County. The current business office of the County Judge is located at the Ector County Courthouse, 300 North Grant Street, Odessa, Texas 79761. If this address changes in the future, the authorized address for said party shall be the then current business office address of the County Judge.

(6) "Developer," "owner," "owner/developer," and "subdivider" are synonymous and mean the fee simple owner of land, including the directors, officers, partners, members, managers, employees, and agents thereof.

(7) "Development" means any actual or proposed man-made change to improved and 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.

(8) "ETJ" means the extraterritorial jurisdiction of a municipality under Texas law.

(9) "Facility" and "infrastructure" are synonymous.

(10) "Floodplain" means: (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 of 1968 (42 U.S.C. §§4001-4127); or (b) if said floodplain has not been identified by FEMA through its issuance of said maps, any area within a floodplain subject to a 1 percent or greater chance of flooding in any given year.

(11) "Foundation" means the lowest division of a residence, building or other structure, usually consisting of a masonry slab or a pier and beam structure, that is partly or wholly below the surface of the ground and on which the structure rests.

(12) "LOC" means an irrevocable letter of credit.

(13) "Manufactured home" or "manufactured housing" means: (a) a manufactured home or mobile home as defined by §1201.003 of the Texas Occupations Code; and (b) any other type of mobile home, trailer, vehicle, camper, or recreational vehicle designed for use as a dwelling or for the overnight accommodation or lodging of a person.

(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 residences.

(15) "Minimum state standards" or "minimum state requirements" means the minimum standards of the State of Texas required, as applicable, for: (a) adequate drinking water under §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) "More restrictive," as applied to a conflict analysis between a provision or definition in this order -- as compared to a definition or provision in a statute, administrative regulation, or local order, regulation, or rule -- means the provision or definition which provides the most protection to: (a) eliminate or minimize flood or other losses; and (b) promote the public health, safety, and general welfare of the people.

(17) "NFIP" means the National Flood Insurance Program under federal law.

(18) "OSSF" mean an on-site sewage facility and includes a septic system.

(19) "Plat" means a preliminary plat, final plat, amended plat, or re-plat required by these regulations, including all signatures, dates, certifications, seals, and supporting and attached documents required by these regulations.

(20) "Regulations" or "rules" mean these regulations.

(21) "Sewer," "sewer services," or "sewer facilities" mean treatment works as defined by §17.001 of the Texas Water Code, or individual, on-site, or cluster treatment systems such as septic tanks and includes drainage facilities and other improvements for proper functioning of septic tank systems. "Sewer" and "wastewater" are synonymous.

(22) "State" means the State of Texas.

(23) "TCEQ" means the Texas Commission on Environmental Quality.

(24) "TPWD" means the Texas Parks and Wildlife Department.

(25) "Tract" or "land" means real property located in Ector County, Texas.

(26) "TWDB" means the Texas Water Development Board.

(27) "Utility" means a person, including a legal entity or political subdivision, that

provides the services of: (a) an electric utility as defined by section 31.002 of the Texas Utilities Code; (b) a gas utility, as defined by §101.003 of the Texas Utilities Code; or (c) a water and sewer utility, as defined by §13.002 of the Texas Water Code.

§2.2 Interpretation Guide

(A) Singular nouns and pronouns shall include the plural, and the masculine gender shall include the feminine gender, where necessary for a correct interpretation of these regulations.

(B) In the interpretation of these regulations, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the County and its governing body, the Commissioners Court; and (3) deemed neither to limit nor repeal any other powers granted under federal or state law, or local ordinance.

(C) All provisions in the following County regulations, where applicable, are incorporated by reference for use, application, and enforcement regarding these regulations: the County's floodplain management, sewer, septic/OSSF, or other development regulations. Should a conflict exist between a provision described in these regulations and an applicable provision described in said other County regulations, the more restrictive provision shall control for the purpose of these regulations.

(D) When legal authority is cited or described in these regulations, it shall be interpreted to include the active, most recent version of said authority.

ARTICLE 3 -- PLAT PROCEDURE

§3.1 Plat Required for Division of Land

(A) In accordance with these regulations, the owner of a tract of land in Ector County, Texas located outside the limits of a municipality must have a preliminary and final 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) Under these regulations, a division of a tract of land includes any division, regardless of whether it is made 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.

(C) A division of a tract of land made for the purpose of residential, commercial, or other development is a subdivision, as herein defined, and is subject to these regulations.

§3.2 Preliminary Plat Submission and Review

(A) **Preliminary Plat Submission --** Should a preliminary plat be required by these regulations, it shall conform to these regulations (including all requirements described in the Appendix), and the following submission procedures are required:

(1) The original and one complete copy of the preliminary plat and a subdivision plat application, both being fully executed, complete and in compliance with these regulations, shall be submitted by the developer to the Commissioners Court, by and through its following designee ("County Designee") at the following location: Project Manager, Public Works Department, Ector County, Texas, 1010 East 8th Street, Odessa, Texas 79761 (or then current business office).

(2) A preliminary plat shall include all documents, representations, disclosures, and components described for a final plat by these regulations -- but subject to the following requirements and exceptions: (a) a fully complete plat application shall be submitted with the preliminary plat; (b) the preliminary plat, plat application, and all supporting or required documents shall be produced on plain paper, scanned, and submitted electronically to the County Designee/Project Manager; and (c) no County signatures, certifications, attestations, or acknowledgments are required for the preliminary plat.

(3) Acceptance of a completed plat application and preliminary plat, with all required documentation or other information, shall not be construed as approval of the plat by the County.

(4) Prior to the submission of a preliminary plat to the County, the developer shall consult with and present a preliminary plan in sketch form to the responsible utility service providers for the proposed development. Document proof of this consultation and a copy of the submitted preliminary plan shall be: (a) attached to the preliminary plat; and (b) included in the documents reviewed during the preliminary meeting, as described above.

(5) The preliminary plat shall not be scheduled for action by the Commissioners Court until all of the following matters are established: (a) the developer has timely submitted a preliminary plan in sketch form to the responsible utility service providers for the proposed development, and consulted with those providers regarding utility service for the development; (b) a fully complete subdivision plat application and preliminary plat have been timely submitted to the County; and (c) all applicable development departments or offices of the County have authorized the submitted documents for discussion, review, and County action.

(B) **Subdivision Plat Application Form --** The subdivision plat application form, as described in

the Appendix, shall be provided by the County to the public at no cost. This form describes all required documentation for a completed plat application. The form is made available to the public at the following public office: Project Manager, Public Works Department, Ector County, Texas.

(C) **Review of Preliminary Plat --** Upon submission of the complete plat application and preliminary plat as required by these regulations, the County will review the plat and application for completeness, sufficiency, and compliance with these regulations. If the preliminary plat and application are not complete, sufficient, or in compliance with these regulations, they shall be denied by the Commissioners Court or its County Designee/Project Manager in writing. The County may deny a plat if: (1) the plat does not comply with all requirements prescribed by law and these regulations; (2) the required fees are not paid; (3) a delinquent ad valorem tax liability exists for the land made the subject of the plat; or (4) any required bond or other financial security is not timely and properly filed with the County. An application and plat are considered complete when all documentation or other information required by these regulations is received.

(D) **Approval by County Surveyor and Engineer --** The preliminary plat may be reviewed and approved by the: (1) County Surveyor, if any, or another surveyor engaged by the County for plat review and consultation in behalf of the County's interests; and (2) County Engineer, if any, or another engineer engaged by the County for plat review and consultation in behalf of the County's interests.

(E) **Approval of Preliminary Plat --** If the plat application and preliminary plat appear to be complete, sufficient, and in compliance with these regulations, the preliminary plat may be approved by the aforesaid County Designee/Project Manager, or alternatively, submitted to the Commissioners Court for approval by a recorded vote in a public meeting. If approved, the preliminary plat shall not be filed of record, but shall, along with any revision requirements and comments of the County, be used as a basis for the preparation and submission of the final plat for approval in accordance with these regulations.

§3.3 Final Plat Submission and Review

(A) A final plat required by these regulations, if approved by the Commissioners Court, must be filed and recorded with the County Clerk according to the authority and all filing and recording provisions contained in these regulations.

(B) Pursuant to §232.001 of the Texas Local Government Code and in order to be recorded, the final plat must be approved by the Commissioners Court and must conform to the following general requirements:

(1) The plat shall describe the subdivision by metes and bounds.

(2) The plat shall 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.

(3) The plat shall state the dimensions of the subdivision and of 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.

(4) The plat shall be acknowledged by the developer in the manner required for the acknowledgment of deeds.

(5) The plat shall be filed and recorded with the County Clerk.

(C) The final plat shall conform in all respects to these regulations, including those requirements described in the Appendix, and as follows:

(1) **Surveyor and Engineer Certification --** The plat shall be signed, sealed, and certified by the registered surveyor and engineer for the developer, where applicable and if required by these regulations. Said surveyor and engineer shall be currently licensed and in good standing to practice in Texas.

(2) **Property Description, Identifying Data, and Signatures --** The plat shall 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 shall include the following: (a) the subdivision boundary; (b) the internal parts of the subdivision -- including all lots, divisions of land, streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts; (c) the effective plat date; (d) a location map; (e) the required scale and dimension components; (f) a north point; and (g) all required signatures, dating, certification, supporting documentation, and professional seals required by these regulations. The plat also shall describe all identifying data required by these regulations regarding the subdivision and its surrounding area, including: (a) the name of the subdivision and its owner; (b) any adjoining subdivisions and owners, or adjoining properties and owners; (c) all lots, divisions of land, streets, alleys, squares, parks, or other parts intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to said parts; (d) driveways, common areas, areas dedicated or to be dedicated to public use, and any area to be used by adjacent lot owners or purchasers; (e) rights of way and easements whether of record, apparent on the land, or proposed; (f) natural drains, drainage structures or improvements whether of record, apparent on the land, or proposed; (g) water bodies, water courses, and floodplain boundaries; (h) set-back lines and lot frontages; and (i) restrictive covenants, restrictions, or reservations whether of record or proposed.

(3) **Survey Data --** The plat shall locate the subdivision with respect to an original corner of the original survey of which it is a part. Boundary lines must be shown by bearings and distances, calling for the lines of established surveys, land marks, school districts and other data furnished, sufficient to locate the property described on the ground. All block corners and angles in streets and

alleys should be marked by a suitable monument. The plat must contain an arrow indicating the direction of the North point of the compass, and the scale must be prominently shown.

(4) **Lot/Block Description --** The plat shall describe by metes and bounds each lot, number each lot in progression, and give the dimensions of each lot. Lot and block numbers shall be arranged in a systematic order and shown on the plat in distinct and legible figures.

(5) **Lot/Block Dimension --** The plat shall state the dimensions of and accurately 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.

(6) **Water/Sewer/OSSF Disclosures --**

(a) Should water, sewer, or OSSF facilities be intended to be constructed or installed by the developer to service the subdivision, the plat shall contain or have attached a document that contains the following information by the developer and his engineer: (1) a detailed description (including the proposed location) of the water, sewer, or OSSF facilities, and any roadways and easements dedicated for the provision of water, sewer, or OSSF service, that will be constructed or installed to service the subdivision; (2) a statement specifying the date by which said facilities will be fully operable; and (3) a statement that the plat and subdivision comply with (i) minimum state standards regarding the proposed water, sewer, or OSSF facilities or service, (ii) all applicable water, drainage, sewer, or OSSF regulations required by the County's sewer, drainage, septic, or OSSF regulations, and (iii) the County's floodplain management regulations.

(b) Should water wells or septic/OSSF facilities be intended for the subdivision, with said facilities not to be constructed or installed by the developer, the plat shall contain the following information by the developer and his engineer that the plat and subdivision comply with: (1) the County's applicable water, drainage, septic/OSSF, and floodplain management regulations; (2) the County's applicable groundwater sufficiency disclosure requirements, as described in these regulations; and (3) minimum state standards related to water wells and septic/OSSF facilities and service, if applicable.

(7) **Drainage Plan Disclosure --** The preliminary plat or drainage report shall describe the provision of reasonable drainage to the subdivision, in compliance with the reasonable drainage standards described in the Appendix, in order to: (a) efficiently manage the flow of storm water runoff in the subdivision; and (b) coordinate subdivision drainage with the general drainage pattern for the area. The plat shall include the design and application of reasonable specifications, as described in the Appendix, to provide adequate drainage for each street or road in the subdivision in accordance with standard engineering practices. The preliminary plat shall include a description of: (a) the exact location, dimensions, descriptions and flow line of existing and future drainage structures; and (b) the exact location, flow line, and floodplain of existing water courses within the subdivision.

(8) **Topographical Description --** The preliminary plat shall identify the topography of the area. The plat shall show the existing topography of the proposed subdivision by the use of contour lines. Said contour lines shall be based on: (a) a vertical interval of 5 feet for terrain with a slope of 2 percent or more; (b) a vertical interval of 2 feet for terrain with a slope of less than 2 percent; and (c) data provided by the county, or in lieu thereof, data from any governmental agency or department, the identity of which shall be specified on the plat. The preliminary plat shall indicate by use of contour lines any changes in the existing topography proposed by the developer, and said contour lines shall be based on the government data, vertical interval, and slope rates previously identified in this paragraph.

(9) **Floodplain Disclosure --** The plat shall describe all land in the subdivision that is located in a floodplain. The plat shall contain a certification by the surveyor or engineer for the developer that:

(a) prominently describes and identifies any area of the subdivision that is located in a floodplain, or in the alternative, states that no area of the subdivision is located in a floodplain; and

(b) states that the plat and proposed subdivision comply with the County's: (1) sewer, drainage, septic, or OSSF rules or regulations, and (2) floodplain management regulations.

(10) **Regulatory Compliance --** All plats, applications, design, or construction documents submitted for a subdivision, mobile home or recreational vehicle park, or manufactured home rental community development shall comply with all applicable provisions of the County's: (a) sewer, drainage, septic, or OSSF regulations or rules; and (b) floodplain management regulations.

(11) **Road/Driveway Description --** The plat shall include a description of all roads in the subdivision, if any. These descriptions and all constructed roads shall comply with the County's road and drainage standards adopted by these regulations, as described in the Appendix. Prior to any driveways being constructed connecting to existing county roads, drainage structures shall be approved by the County.

(12) **Lot Frontage Description --** The plat shall include a description of all lot frontages in the subdivision. These descriptions, and all lot frontages, shall comply with the lot frontage standards adopted by these regulations.

(13) **Purchase Contract Disclosure --** Pursuant to §232.003 of the Texas Local Government Code, each purchase contract made between a subdivider and a purchaser of land in the subdivision shall contain a statement describing the extent to which water will be made available to the subdivision -- and, if it will be made available, how and when water will be made available to the subdivision. The plat shall include the following statement:

EACH PURCHASE CONTRACT MADE BETWEEN A SUBDIVIDER AND A PURCHASER OF LAND IN THE SUBDIVISION SHALL CONTAIN A STATEMENT DESCRIBING THE EXTENT TO WHICH WATER WILL BE MADE AVAILABLE TO THE SUBDIVISION -- AND IF IT WILL BE MADE AVAILABLE, HOW AND WHEN WATER WILL BE MADE AVAILABLE TO THE SUBDIVISION.

(14) **Groundwater Sufficiency Disclaimer --** 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 by the developer, or its licensed Texas engineer or geoscientist, stating the following:

GROUNDWATER SUFFICIENCY DISCLAIMER -- THE SOURCE OF THE WATER SUPPLY INTENDED FOR THIS SUBDIVISION IS GROUNDWATER UNDER THE SUBDIVISION LAND. NO GUARANTEE CAN BE MADE THAT ADEQUATE GROUNDWATER UNDER THAT LAND IS AVAILABLE FOR THIS SUBDIVISION.

(15) **Plat Production Requirements --** The plat shall be produced in digital format (dwg in State Plane Coordinates) and on mylar, or by the use of other material and methods of a permanent nature in general use by the engineering profession. The plat shall be drawn to scale on sheets of the following dimension: 18 inches by 24 inches. The original plat (including all required, attached documents) and 1 clearly marked, same-size copy of same shall be provided to the County. Six reduced copies of the plat, in a dimension of either 8.5 inches by 11 inches, or 11 inches by 17 inches, also shall be provided to the County. The plat shall be drawn according to the following scale: (a) 1 inch to 100 feet; or (b) 1 inch to 200 feet. Linear dimensions shall be shown in feet and hundredths of 1 foot. Angle dimension shall be shown in degrees, minutes, and seconds. Curve dimensions shall be shown through radius, arc, chord distance, and bearing.

(16) **Limitations Regarding County Construction/Maintenance Obligations --** The plat shall contain the following statements regarding the express limitations regarding County construction or maintenance obligations:

(a) Relating to any Public Dedication on the plat:

REGARDING ANY LAND, ROAD, EASEMENT, IMPROVEMENT, FACILITY, OR INFRASTRUCTURE DEDICATED TO THE PUBLIC OR FOR PUBLIC USE ON THIS PLAT, AND UPON APPROVAL, IF ANY, OF THIS PLAT BY THE ECTOR COUNTY COMMISSIONERS COURT, ECTOR COUNTY EXPRESSLY DOES NOT ACCEPT FOR CONSTRUCTION OR MAINTENANCE PURPOSES SAID DEDICATED LAND, ROAD, EASEMENT, IMPROVEMENT, FACILITY, OR INFRASTRUCTURE. IN THAT EVENT, THE CONSTRUCTION OR MAINTENANCE OF SAID DEDICATED LAND, ROAD, EASEMENT,

IMPROVEMENT, FACILITY, OR INFRASTRUCTURE SHALL REMAIN THE RESPONSIBILITY OF THE OWNER THEREOF, IN ACCORDANCE WITH THE REQUIREMENTS OF THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR ECTOR COUNTY, TEXAS AND THE BOND OR FINANCIAL SECURITY REQUIRED UNDER SAID REGULATIONS, UNLESS AND UNTIL SAID DEDICATED LAND, ROAD, EASEMENT, IMPROVEMENT, FACILITY, OR INFRASTRUCTURE IS FORMALLY ACCEPTED BY THE COMMISSIONERS COURT, IF EVER, BY A SEPARATE WRITTEN ORDER.

(b) Relating to any Private Land/Improvements on the plat:

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

(17) **Compliance with Other Regulations --** All plats shall comply with all applicable platting and development regulations of the County, as well as state and federal agencies.

(18) **Owner/Developer Signature and Disclosure --** The developer shall: (a) sign and date the plat and all required or attached documents; (b) acknowledge the plat in the manner required for the acknowledgment of deeds; and (c) 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 AND STATE THE FOLLOWING: (1) THIS PLAT AND THE ATTACHED DOCUMENTS SATISFY ALL REQUIREMENTS OF THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR ECTOR COUNTY, TEXAS; (2) ALL REPRESENTATIONS ON THIS PLAT AND ATTACHED DOCUMENTS ARE TRUE AND CORRECT; AND (3) ALL DEDICATED LAND, ROADS, EASEMENTS, IMPROVEMENTS, FACILITIES, STRUCTURES, AND INFRASTRUCTURE DESCRIBED ON THIS PLAT AND THE ATTACHED DOCUMENTS ARE DEDICATED TO THE USE AND BENEFIT OF THE

PUBLIC FOREVER.

(19) **Lien Subordination Disclosure --** The plat shall contain statements, signed and acknowledged by the developer and any lienholder, with current addresses shown, which shall certify and memorialize the lienholder's consent and lien subordination to any public dedication shown on the plat.

(20) **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 AND STATE THE FOLLOWING: (1) THIS PLAT AND ALL ATTACHED DOCUMENTS REPRESENT A TRUE AND ACCURATE SURVEY MADE BY ME ON THE GROUND; (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 COMPLY WITH ALL SURVEYING, MONUMENT, SCALE, DIMENSION, AND IDENTIFYING REQUIREMENTS OF THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR ECTOR COUNTY, TEXAS; AND (6) ALL SURVEYING REPRESENTATIONS ON THIS PLAT AND ALL ATTACHED DOCUMENTS ARE TRUE, CORRECT, AND IN COMPLIANCE WITH STANDARD SURVEYING PRACTICE IN THE STATE OF TEXAS.**

(21) **Engineer Signature/Disclosure --** When engineering services are required by these regulations to be performed by the developer's engineer, the plat shall contain a signature, seal, certification, date, and affidavit by the registered professional engineer for the developer which states the following:

> **I CERTIFY AND STATE THE FOLLOWING: (1) THIS PLAT AND ALL ATTACHED DOCUMENTS SATISFY ALL REQUIREMENTS OF THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR ECTOR COUNTY, TEXAS; AND (2) ALL ENGINEERING OR DESIGN REPRESENTATIONS ON THIS PLAT AND ALL ATTACHED DOCUMENTS ARE TRUE, CORRECT, AND IN COMPLIANCE WITH STANDARD ENGINEERING PRACTICE IN THE STATE OF TEXAS.**

(22) **Commissioners Court Approval --** The final, approved plat shall contain a signature, certification, and acknowledgment by the County Judge which states the following:

I CERTIFY AND STATE THE FOLLOWING: (1) THIS FINAL PLAT WAS FORMALLY APPROVED ON THE ___ DAY OF _____, _____ BY THE COMMISSIONERS COURT OF ECTOR COUNTY, TEXAS IN ACCORDANCE WITH CHAPTER 551 OF THE TEXAS GOVERNMENT CODE, THE TEXAS OPEN MEETINGS ACT; AND (2) THIS PLAT IS AUTHORIZED FOR FILING AND RECORDING WITH THE COUNTY CLERK OF ECTOR COUNTY, TEXAS.

The County Clerk shall attest the signature of the County Judge on the plat.

(23) **County Engineer Approval --** The final plat shall be reviewed by the County Engineer, if any, or another engineer engaged by the County for plat review and consultation in behalf of the County's interests. Should it be determined that the proposed subdivision and final plat are in full compliance with these regulations, said engineer -- before the public meeting of the Commissioners Court at which the approval of the final plat will be considered -- shall sign and seal the final plat, and state on said plat the following:

I CERTIFY AND STATE THAT THIS FINAL PLAT AND THE SUBDIVISION HEREIN DESCRIBED ARE IN FULL COMPLIANCE WITH ALL ENGINEERING AND SURVEYING REQUIREMENTS OF THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR ECTOR COUNTY, TEXAS.

(24) **County Clerk Certification --** The County Clerk shall: (a) attest and certify the signature of the County Judge on the final, approved plat; and (b) show on the plat the date of the order of the Commissioners Court which approved the plat and authorized its filing. When the final plat is filed and recorded in the Office of the County Clerk, said clerk shall conspicuously mark and record the final 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 record where the plat was recorded. Upon "approval" of the final 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. By these regulations it shall be expressly understood that "acceptance" of the final plat (and by consequence the land, roads, easements, improvements, or infrastructure dedicated to the public on the plat), if any, can only occur, if ever, by a subsequent, separate acceptance order being enacted and approved by the Commissioners Court in compliance with said regulations.

(D) **Submission and Review of Final Plat --** Within ten (10) days after Commissioners Court approval of the preliminary plat, the original and one complete copy of the final plat shall be submitted by the developer to the Commissioners Court through its County Designee/Project Manager. The final plat shall contain the approved names for all roads in the subdivision. The County will review the final plat for completeness, sufficiency, and compliance with these

regulations. If the final plat is not complete, sufficient, or in compliance with these regulations, it shall be denied by the Commissioners Court or its County Designee/Project Manager in writing. The County may deny a plat if it does not meet the requirements prescribed by law or these regulations.

(E) **Approval of Final Plat --**

(1) If the final plat is complete, sufficient, and in compliance with these regulations, it will be submitted to the Commissioners Court for approval by a recorded vote in a public meeting. If approved, the final plat shall be ordered to be fully executed and filed of record, as herein described. However, the filing and recording of the final plat shall not be ordered or authorized until the developer has paid all required fees, and executed, submitted, and filed all bonds or other financial security required. Upon "approval" of the final plat by the Commissioners Court, if any, the County Clerk shall not in any way mark, record, recite, or describe the plat as "accepted" by the Commissioners Court. By these regulations it shall expressly understood that "acceptance" of the final plat (and by consequence the land, roads, easements, improvements, or infrastructure dedicated to the public on the plat), if any, can only occur, if ever, by a subsequent, separate order being enacted and approved by the Commissioners Court in compliance with said regulations.

(2) Notwithstanding anything to the contrary in these regulations, the final plat of a subdivision, pursuant to Commissioners Court discretion, may be considered for approval by the Commissioners Court by a recorded vote at a public meeting on the same meeting date the preliminary plat is approved by the Commissioners Court if the following requirements are established: (a) the developer submits a separate written request with the plat application to the County Designee/Project Manager that an expedited plat approval procedure be conducted by the County pursuant to this provision; (b) a fully complete plat application and all documents required by these regulations for a preliminary and final plat are submitted to the County Designee/Project Manager not less than thirty (30) days before said public meeting date; (c) all required fees, bonds, or financial security are paid by the developer at least seven (7) days before said meeting date; and (d) no variances are sought by the developer from compliance with the applicable requirements of these regulations or the County's applicable floodplain management, septic/OSSF, or other development regulations.

§3.4 Exceptions to Plat Requirements

(A) 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 following exceptions or exempt circumstances exist: as described in the Appendix E.

(B) Should a plat not be required under these regulations, the developer nevertheless shall submit the location of the development project to the following public office in order to confirm correct information for all addressing necessary for 911 and emergency service purposes: Project Manager, Public Works Department, Ector County, Texas. No fees will be charged by the County for this submission in the public interest.

§3.5 Variance Procedure

(A) These provisions apply to variance requests by a developer seeking: (1) plat approval regarding proposed subdivision development; and (2) infrastructure development plan approval for proposed manufactured home rental community (MHRC) development. When literal enforcement of these regulations will result in undue hardship to the developer, and when a variance is in harmony with the general purpose and intent of these regulations so that the public health, safety, and welfare may be secured and substantial justice done -- but subject to any limitations or requirements existing under applicable federal or state law, or county regulations -- the Commissioners Court may grant a variance from these rules, as hereafter described.

(B) A developer may request a variance from the County regarding the strict application of these regulations. To obtain consideration for a variance, the developer must timely submit a written variance application, as described in the Appendix, to the following public office: Project Manager, Public Works Department, Ector County, Texas. The variance application must describe in detail all special circumstances that exist to support the variance.

(C) Regarding a variance requested from the County's subdivision regulations, the variance application must be filed with the required subdivision plat application and preliminary plat. Regarding a requested variance from the County's MHRC standards, the variance application must be filed with the required MHRC application and infrastructure development plan. In either event, a variance request application fee, as described in the fee schedule in the Appendix, shall be paid in full to the County when the variance application is filed.

(D) The variance application form shall be provided by the County to the public at no cost. This form describes all required documentation for a completed variance application. The form is made available to the public at the following public office: Project Manager, Public Works Department, Ector County, Texas.

(E) Through the exercise of its discretion, the Commissioners Court may grant a variance from the strict application of these regulations. However, the Commissioners Court may not grant a variance regarding the following matters: (1) the necessity of an approved plat, as described in these regulations -- but subject to the plat exceptions described in these regulations; (2) a required bond or other financial security; and (3) the payment of fees, unless the variance applicant is a unit of government.

(F) A variance may be granted by the Commissioners Court, within its discretion, only when the clear and convincing evidence establishes all of the following:

(1) A special circumstance exists 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. Pecuniary hardship,

standing alone, shall not be deemed to constitute an undue hardship or special circumstance to support the granting of a variance.

(2) The variance constitutes only a minimum departure from these regulations.

(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 is based on the general intent of these regulations and is deemed in the public interest.

(G) In addition to the variance limitations or restrictions previously described, a variance shall not be granted:

(1) if it would have the effect of preventing the safe, healthy, orderly development of other land in the area in accordance with these regulations;

(2) if an ad valorem tax delinquency exists regarding the land made the subject of division or proposed development; or

(3) without approval of the Commissioners Court acting through an order entered as a result of a recorded vote in a public meeting held in accordance with the Texas Open Meetings Act.

§3.6 Vacation, Replat, Amendment, and Cancellation Procedure

The County adopts the plat vacation, replat (without vacation), amendment, and cancellation standards and procedure described in §§232.008, 232.0083, 232.0095, 232.010, 232.101, and 232.107 of the Texas Local Government Code.

§3.7 Conveyance Without Plat Revision

Pursuant to §§232.010, 232.101, and 232.107 of the Texas Local Government Code, the Commissioners Court may allow conveyance of portions of one or more previously platted lots by metes and bounds description without revising the plat -- provided that the conveyance does not violate, alter, amend, diminish, or remove, any recorded covenants, restrictions, or vested property rights.

ARTICLE 4 -- DEVELOPMENT STANDARDS AND REQUIREMENTS

§4.1 Plat Denial

The County may refuse to approve a plat required by these regulations if: (1) the plat does not

comply with all requirements prescribed by law and these regulations; (2) the required fees are not paid; (3) a delinquent ad valorem tax liability exists for the land made the subject of the plat; or (4) any required bond or other financial security is not timely and properly filed with the County.

§4.2 Dormant Plats

(A) Pursuant to §232.002 of the Texas Local Government Code, if no portion of the land subdivided under an approved plat is sold or transferred before January 1st of the 51st year after the year in which the plat was approved, the approval of the plat expires, and the developer must resubmit a plat of the subdivision for approval.

(B) Any plat resubmitted for approval under this §4.2 is subject to the requirements prescribed by law and these regulations in effect at the time the plat is resubmitted.

§4.3 Fee Schedule

A reasonable fee schedule, as described in the Appendix, is hereby adopted to cover the cost of the County's review of a subdivision plat or infrastructure development plan for a MHRC, and the inspection of street, road, and drainage improvements described therein. All required fees must be paid by the developer to the County before the County conducts a review of the plat or MHRC infrastructure development plan.

§4.4 Floodplain Management

Regarding floodplain management, the following development standards and requirements are adopted: as described in Article 3 of these regulations and the Appendix.

§4.5 Utility Disclosure Requirements

(A) Regarding water, sewer, septic, OSSF, gas, electric, drainage, and related utility issues, the following development standards and requirements are adopted: as described in Article 3 of these regulations and the Appendix.

(B) Pursuant to §232.0032 of the Texas Local Government Code, if the source of the water supply intended for the subdivision is groundwater under that land, the following disclaimer is required: as described in Article 3 of these regulations and the Appendix.

§4.6 Drainage Requirements

Regarding drainage and related issues, the following development standards and requirements are adopted: as described in Article 3 of these regulations and the Appendix.

§4.7 Bond or Other Financial Security Requirements

The developer of a tract to be subdivided shall execute a good and sufficient bond or other financial security, as required by Articles 3 and 5 of these regulations in order to ensure the proper construction of any roads and streets in, drainage requirements for, or other infrastructure or improvements dedicated to public use in the subdivision.

§4.8 County Construction/Maintenance Limitations (Public Dedication)

(A) Regarding any land, road, easement, improvement, facility, or infrastructure dedicated to the public or for public use on a plat, and upon approval, if any, of that plat by the Commissioners Court, the County expressly does not accept for construction or maintenance purposes said dedicated land, road, easement, improvement, facility, or infrastructure.

(B) In that event, the construction or maintenance of said dedicated land, road, easement, improvement, facility, or infrastructure shall remain the responsibility of the owner thereof, in accordance with the requirements of these regulations and the bond or financial security required under said regulations, unless and until said dedicated land, road, easement, improvement, facility, or infrastructure is formally accepted by the Commissioners Court, if ever, by a separate written order.

(C) All plats involving a public dedication shall contain a written statement correctly reciting and conforming to these provisions, as described in these regulations.

§4.9 County Construction/Maintenance Limitations (Private Property)

(A) The County expressly does not accept for construction or maintenance purposes any land, road, easement, improvement, facility, or infrastructure described or designated on a plat for private ownership or use.

(B) Upon approval of a plat, if any, by the Commissioners Court, any such private land, road, easement, improvement, facility, or infrastructure shall be owned by and remain the responsibility of the owner thereof, in accordance with the requirements of these regulations. All plats involving any private land, road, easement, improvement, facility, or infrastructure shall contain a written statement correctly reciting and conforming to these regulations.

§4.10 Compliance with Other Statutes/Regulations

Regarding planning, design, platting, or development relating to or affecting flooding, flood damage prevention, drainage, water quality, or water, sewer, septic, or OSSF service or facilities, all plats and proposed subdivisions or other development (including all plans for lot configuration, land use, drainage, improvements, and construction) shall comply with all applicable regulations of the County, as well as all applicable statutes and regulations of the State of Texas, the United States of America, or the administrative agencies thereof.

§4.11 Appendix Standards/Requirements Adopted

The development standards, requirements, regulations, and procedures described in the Appendix are adopted, approved, and incorporated by reference.

§4.12 Manufactured Home Rental Community Standards/Requirements Adopted

Pursuant to §232.007 of the Texas Local Government Code, the Commissioners Court adopts, approves, and incorporates by reference the development standards, requirements, and procedures related to manufactured home rental communities located in the unincorporated area of the County, as described in the Appendix.

ARTICLE 5 -- BOND OR OTHER FINANCIAL SECURITY

§5.1 Financial Security Requirements

(A) Before subdividing a tract, the owner/developer shall execute a bond, unless an alternative financial guarantee is provided to and approved by the Commissioners Court, regarding and to ensure the proper construction of any roads and streets in, drainage requirements for, or other infrastructure or improvements dedicated to public use in the subdivision.

(B) Said bond or financial guarantee shall: (1) be provided to and approved by the Commissioners Court; (2) apply and be in a form and amount sufficient to ensure the proper construction of any roads and streets in, drainage requirements for, or other infrastructure or improvements dedicated to public use in the subdivision.

§5.2 Construction/Maintenance Limitations (Public Dedication)

(A) Regarding any dedicated public land, road, easement, improvement, facility, or infrastructure on a plat, and upon approval, if any, of that plat by the Commissioners Court, the County expressly does not accept for construction or maintenance purposes said dedicated land, road, easement, improvement, facility, or infrastructure.

(B) In the event of plat approval by the Commissioners Court, the construction or maintenance of said dedicated land, road, easement, improvement, facility, or infrastructure shall remain the responsibility of the owner/developer thereof, in accordance with these regulations and the bond or other financial guarantee required hereunder, until said dedicated land, road, easement, improvement, facility, or infrastructure are formally accepted, if ever, by the Commissioners Court by a separate written order.

§5.3 Bond Requirements

(A) The bond must be payable to the County Judge or her successor in office.

(B) The bond must be fully executed by the owner/developer and surety, and approved by the Commissioners Court prior to subdividing and prior to Commissioners Court approval of the final plat.

(C) The bond shall be in an amount determined by the Commissioners Court to be adequate to ensure proper construction of any roads and streets in, drainage requirements for, or other infrastructure or improvements dedicated to public use in the subdivision, but not to exceed the estimated cost of construction.

(D) The bond shall be executed by the owner/developer, as principal, and by one good and sufficient corporate surety approved by the Commissioners Court. The corporate surety executing the bond shall be a company or corporation authorized to do business as a surety in Texas.

(E) The bond shall be conditioned that said roads and streets in, drainage requirements for, or other infrastructure or improvements dedicated to public use in the subdivision (which shall be specifically named and described in the bond instrument) shall be: (1) constructed and maintained by the owner/developer in accordance with all specifications, requirements, and standards adopted by the Commissioners Court in these regulations; and (2) constructed within a reasonable time set by the Commissioners Court.

(F) The bond shall be for a term of not less than two years from the date of final plat approval.

§5.4 Letter of Credit or Other Financial Guarantee Requirements

(A) In lieu of a bond (as herein described) and upon specific approval of the Commissioners Court, the owner/developer may deposit cash, an irrevocable letter of credit (LOC) issued by a federally insured financial institution, or other financial guarantee deemed acceptable and approved by the Commissioners Court.

(B) If an irrevocable LOC is used as financial security, it must conform to the following requirements:

(1) The LOC must list as the sole beneficiary the County Judge or her successor in office.

(2) The LOC must be fully executed by the appropriate parties and approved by the Commissioners Court prior to subdividing a tract and prior to Commissioners Court approval of the final plat.

(3) The LOC shall be in an amount determined by the Commissioners Court to be adequate to ensure the proper construction of any roads and streets in, drainage requirements for, or other infrastructure or improvements dedicated to public use in the subdivision, but not to exceed the cost of construction.

(4) The LOC must be conditioned that any roads and streets in, drainage requirements for, or other infrastructure or improvements dedicated to public use in the subdivision (which shall be specifically named and described in the LOC instrument) shall be: (1) constructed and maintained by the owner in accordance with all specifications, requirements, and standards adopted by the Commissioners Court in these regulations; and (2) constructed within a reasonable time set by the Commissioners Court.

(5) The LOC shall be for a term of not less than two years from the date of final plat approval.

ARTICLE 6 -- ENFORCEMENT

§6.1 Civil Enforcement Remedies

(A) All civil enforcement remedies, penalties, and damage recovery rights described in the following authority are expressly adopted and incorporated by reference as enforcement remedies for a violation or threatened violation of these regulations: Chapters 232 (Subchapters A, E), 233, and 235, Texas Local Government Code; Chapter 12, Texas Property Code; Chapter 16, Subchapter I, Texas Water Code; the County's floodplain management regulations; the County's sewer, septic, or OSSF regulations; and all other authority recited in these regulations. Nothing herein contained shall prevent the County or its officials from taking such other lawful action as is necessary to prevent or remedy any violation of these regulations.

(B) At the request of the Commissioners Court, the county attorney, other prosecuting attorney for the county, or other attorney for the county, may file an action in a court of competent jurisdiction to: (1) enjoin, as allowed by law, the violation or threatened violation of a requirement established or adopted by the Commissioners Court under these regulations or state law; or (2) recover damages or civil penalties, as allowed by law, in an amount adequate for the County to undertake any construction or other activity necessary to bring about compliance with a requirement established or adopted by the Commissioners Court under these regulations or state law.

§6.2 Criminal Enforcement Remedies

(A) All criminal enforcement remedies and penalties described in the following authority are adopted and incorporated by reference as enforcement remedies for a violation or threatened violation of these regulations: Chapter 232 (Subchapters A, E), 233, and 235, Texas Local Government Code; Chapter 12, Texas Property Code; Chapter 16, Subchapter I, Texas Water Code; the County's floodplain management regulations; the County's sewer, septic, or OSSF regulations; and all other authority recited in these regulations. Nothing herein contained shall prevent the County or its officials from taking such other lawful action as is necessary to prevent or remedy any violation of these regulations.

(B) A person commits an offense if the person knowingly or intentionally violates a requirement established or adopted by the Commissioners Court under these regulations, earlier County subdivision or manufactured home rental community regulations, or state law. An offense under this paragraph is a Class B misdemeanor unless otherwise designated by applicable law.

§6.3 Unlawful Conduct

The following conduct, among other things described in the regulations, is declared to be unlawful and a violation of the regulations:

(A) It shall be unlawful and a violation of these regulations for an individual, owner, or developer to attempt to complete or complete the transfer, conveyance, purchase, or sale of a lot or other part in a non-exempt subdivision under these regulations prior to the: (1) approval of a final plat for the subdivision by the Commissioners Court; and (2) filing of said approved plat for record in the Office of the County Clerk. It shall be unlawful and a violation of these regulations for an individual, owner, or developer to attempt to record or record in the Office of the County Clerk any final plat, plat vacation, plat revision, or plat amendment unless and until it is approved by the Commissioners Court as authorized by these regulations.

(B) It shall be unlawful and a violation of these regulations for an individual, owner, or developer to attempt or complete the development, construction, or operation of a manufactured home rental community ("MHRC") unless and until: (1) an infrastructure development plan is approved for the MHRC by the Commissioners Court as required by these regulations; and (2) the accompanying Certificate of Compliance is issued by the Commissioners Court for said MHRC development, showing that the completed MHRC complies with said plan.

[END OF REGULATIONS]

CERTIFICATION OF ADOPTION

APPROVED BY: THE COMMISSIONERS COURT OF ECTOR COUNTY, TEXAS

By: _____
Susan Redford, County Judge
Ector County, Texas

ADOPTED: November 24, 2014

I, Susan Redford, the undersigned, being the County Judge of Ector County, Texas, do hereby certify that the above and foregoing document is the Subdivision and Manufactured Home Rental Community Regulations for Ector County, Texas, duly considered, passed, enacted, adopted, approved, and ordered by the Ector County Commissioners Court at a public meeting duly convened on November 24, 2014. Copies of the order may be obtained from the official minutes of the Ector County Commissioners Court maintained by the County Clerk of Ector County, Texas.

SIGNED on this the 24 day of November, 2014.

_____
Susan Redford
County Judge
Ector County, Texas

ATTEST:

_____
County Clerk
Ector County, Texas

APPENDIX

EXHIBIT A

EXHIBIT A:
DRAINAGE STANDARDS

Pursuant to Sections 232.003, 232.101, 232.107, and 232.108 of the Texas Local Government Code, these drainage standards shall apply for all subdivisions located in the unincorporated area of Ector County, Texas:

1. These standards are designed to: (a) provide adequate drainage for each street or road in a subdivision in accordance with standard engineering practices; (b) provide drainage to the subdivision in order to efficiently manage the flow of storm water runoff in the subdivision; and (c) coordinate subdivision drainage with the general storm drainage pattern for the area in accordance with standard engineering practices.

2. Lots and private property shall be graded so that surface drainage shall be taken to streets or drainage courses as directly as possible. Drainage water from roads and streets shall be taken to defined drainage courses as directly as possible.

3. The maximum grade of all streets and roads shall be 5.0% unless otherwise approved by the Commissioners Court. The minimum grade of streets and roads shall be 0.2% unless otherwise approved by the Commissioners Court.

4. All streets without curbs and gutters shall have drainage ditches adjacent to and running parallel to said streets or roads. Said drainage ditches shall have a minimum depth of 6-12 inches below the level of the edge of the adjacent street or road.

5. Permanent drainage structures, including but not limited to culverts, pipes, drainage boxes, and bridges shall be installed at all crossings of drainage courses, including drainage ditches intersecting with driveways, roads, and streets. The final exact dimension and type of said permanent drainage structures shall be determined and established for each subdivision by the engineer of record for the plat and presented to the Commissioners Court for its review with the preliminary plat.

6. All roadways subject to flooding and high water, and all roadways crossing streams or other watercourses must have reinforced embankments to prevent erosion of said embankments. The reinforcing material must be concrete, which shall at minimum have tensile test strength at 7 days of 3,000 pounds per square inch.

7. Permanent obstacles, such as concrete or rock retards, shall be installed on the sloping sides of the drainage ditches and drainage courses to prevent erosion, where specifically designated by the Commissioners Court upon its review of the preliminary plat.

8. Open drainage channels and ditches shall be constructed with a proper cross-slope grade and an alignment which will facilitate proper functioning without destructive velocities of

drainage waters.

9. All drainage easements must be of an adequate width, as determined by the Commissioners Court in its review of the preliminary plat, to permit drainage and flood control for all land upon which natural drainage runs through the property being considered for development.

10. The exact location, dimensions, descriptions and flow line of existing drainage structures and drainage structures proposed to be installed by the owner, and the location, flow line, and flood plain of existing water courses within the subdivision must be shown on all plats.

11. All plats that have any part of the plat within a flood zone as designated by the FEMA flood zone maps of Ector County must have a finished floor elevation established that is a minimum of one foot above the base flood elevation. Flood zones must be located and shown clearly on the subdivision plat when presented to the Commissioners Court.

EXHIBIT B

EXHIBIT B:
ROAD STANDARDS

Pursuant to Sections 232.003, 232.0031, 232.101, 232.102, 232.107, and 232.108 of the Texas Local Government Code, these road standards shall apply for all subdivisions located in the unincorporated area of Ector County, Texas:

1. These standards are: (a) designed to provide adequate drainage for each street or road in a subdivision in accordance with standard engineering practices; and (b) based on the amount and kind of travel over each street or road in a subdivision, designed to provide reasonable specifications relating to the construction of each street or road in accordance with standard engineering practices. All roads dedicated to the public in a subdivision shall be paved according to the requirements described in these standards.

2. Main Artery Streets/Roads -- All main artery streets or roads, other than those described in item 3 hereof, must have a right of way of 60 feet in width. The actual street cut on such main artery streets or roads must be 30 feet in width. All other streets or roads, other than those described in item 3 hereof, must have a right of way of 50 feet in width. The actual street cut on such other streets or roads must be 30 feet in width.

3. Major Thoroughfare Plan -- The required right of way on a street or road that functions as a major thoroughfare may have a width of not more than 120 feet; however, the required right of way on a street or road that functions as a major thoroughfare may be more than 120 feet in width -- if the proposed right of way width is consistent with a transportation plan adopted by the metropolitan planning organization of the region.

4. The actual street cut for alley streets must be 20 feet in width.

5. The designation of a street or road as a main artery street or road, or major thoroughfare street or road, shall be made by the Commissioners Court in its review of the preliminary plat.

6. All permanent dead end streets or roads shall have a turnaround with a right of way diameter of 100 feet.

7. Streets or roads should be designated and constructed so as to intersect with each other at 90 degree angles. Where compliance with this regulation is impossible due to terrain, the subdivider may seek a variance under these regulations. If a variance is granted, the portion of the intersection on the side of the acute angle must be cut back so as to eliminate the point of the acute angle. The intersection must be cut back a minimum of 20 feet away from the point where the streets would have otherwise intersected. The county shall specify the exact size of the cut-back, up to a maximum of 50 feet in its review of the preliminary plat.

8. No street or road shall be constructed with an abrupt off-set or "jog" in it.

9. Where streets in an adjoining subdivision end at the property line of a new subdivision, streets and roads in the new subdivisions shall be constructed so as to be a continuation and extension of said existing streets in said adjoining subdivisions. All streets and roads shall be designed and constructed so as to permit the continuation or extension of said streets and roads in other subdivisions in the future.

10. Upon completion of construction of each street, road and alley, all trees, brush, rocks, and other material created by said constructions must be removed and delivered to an authorized refuse and/or fill site in accordance with state or other law.

11. All roads must be constructed with a subgrade base. The subgrade base material shall be approved by the Commissioners Court. The sub-grade base shall be watered, rolled and bladed to a depth of 6 inches before any flexible base material is placed on it.

12. Regarding the construction and placement of flexible base roads, all materials, construction standards, and procedures used for said roads shall conform to the requirements of the most current road construction publication of the Texas Department of Transportation or Texas Highway Department; however, said materials, standards, and procedures must be approved by the Commissioners Court. Should a conflict exist between a provision in the aforementioned state government publication and these regulations, these regulations shall control. The flexible base on a road or street shall have a minimum thickness of 6 inches or more after compaction of the authorized base material. The following standards must be followed:

Flexible Caliche Base

a. Compacted caliche shall be constructed over the subgrade and shall be shaped to conform to the section indicated on the attached Figure 1.

b. After placement, the caliche shall be rolled with a sheepsfoot or grid roller or other suitable equipment to break up all large rocks.

c. Rolling shall continue until a uniform caliche surface is obtained, free of any large rocks. Any rocks exceeding 3 inches in size following the blading operation shall be removed and disposed of.

d. Following rolling the entire caliche area shall be bladed and graded to provide lateral drainage.

e. The finished caliche base shall be compacted to ordinary compaction subject to proof rolling with a 10-ton roller.

13. Regarding the construction and placement of paved roads, all materials,

construction standards, and procedures used for said roads shall conform to the requirements of the most current road construction publication of the Texas Department of Transportation or Texas Highway Department; however, said materials, standards, and procedures must be approved by the Commissioners Court. Should a conflict exist between a provision in the aforementioned state government publication and these regulations, these regulations shall control. Minimum paved roads shall be constructed to conform to the section indicated on the attached Figure 2 and in accordance with the following specifications for either "Double Penetration Surface" or Hot Mix Asphaltic Concrete Surface:"

A. Double Penetration Surface

1. A bituminous prime coat shall be applied to the finished caliche base. The prime cost shall meet the requirements for cutback asphalt Grade MC-1 or EA-10S, Texas Highway Department (TDH) Item 300.

2. The first surface course shall consist of THD Asphalt No. AC-5 applied at the rate of 0.20 to 0.35 gallons per square yard of surface, followed immediately with the application of THD Grade 3 aggregate at the rate of 1.0 cubic yard per 90 to 110 square yards of surface.

3. The second surface course shall consist of THD Asphalt No. AC-5 applied at the rate of 0.25 gallons per square yard of surface, followed immediately with the application of THD Grade 5 aggregate at the rate of 1.0 cubic yard per 120 square yards of surface.

4. Each course shall be rolled with a pneumatic roller followed with a 10-ton flat-wheeled roller until the aggregates have been thoroughly spread and embedded in each course of asphalt and aggregate.

B. Hot Mix Asphaltic Concrete Surface

1. A bituminous prime coat shall be applied to the finished caliche base. The prime coat shall meet the requirements for cutback asphalt Grade MC-1 or EA10S, THD Item 300.

2. Hot Mix Asphaltic Concrete shall be applied to a finished depth of at least 1.0 inch over the area to be paved.

3. The Hot Mix Asphaltic Concrete shall meet the requirements of Type "D" fine graded surface course, THD Item 340 with the following exception:

Percent Density			Percent Stability
Min	Max	Optimum	
94	99	97	Not less than 45-minimum

4. Mixing plants, asphaltic material heaters, dryers, lay down machines, rollers, etc., shall meet the requirements of THD Item 340.

5. The stockpiling, storage, proportioning and mixing of materials in the production of hot mix asphaltic concrete shall meet the requirements of THD Item 340.

14. The centerline of each street shall have an elevation of at least 4 inches above the elevation of the edge of the street.

15. The Commissioners Court may specify that construction of all roads and drainage structures must be completed within a reasonable time after the plat and plans of a subdivision have received final approval, and that period may be specified by the Commissioners Court in its review of the preliminary plat.

16. All drainage standards adopted by these rules which relate to or affect streets and roads are incorporated by reference.

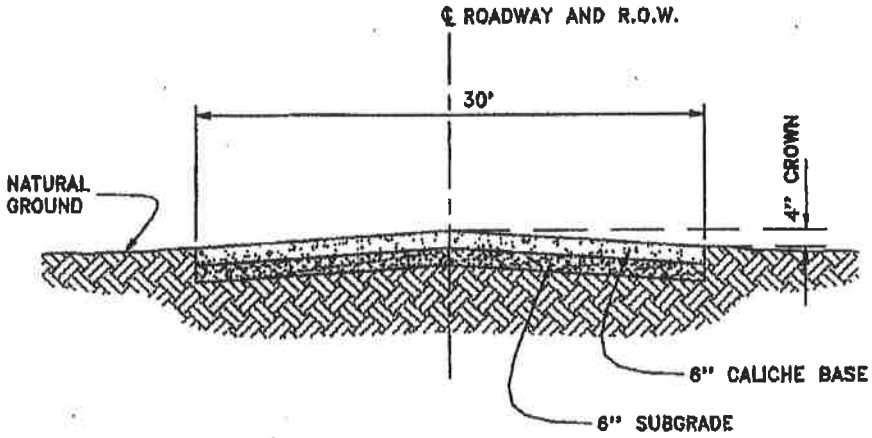

Figure 1. – Typical section for caliche road.

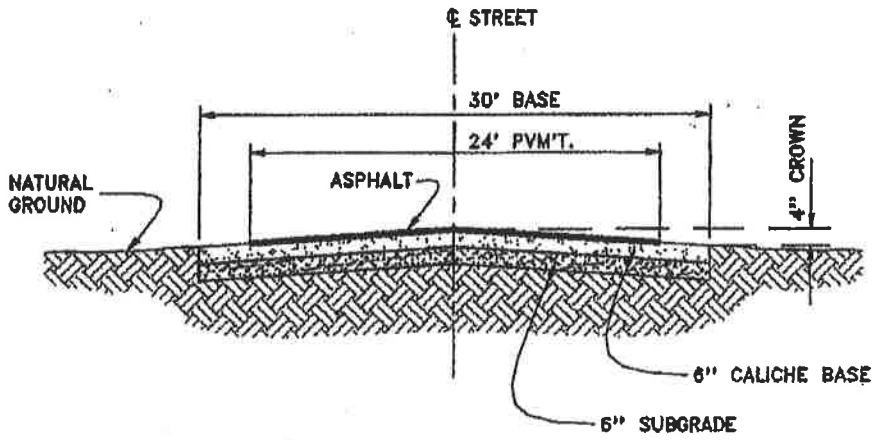

Figure 2. – Typical section for paved road.

EXHIBIT C

EXHIBIT C:
LOT FRONTAGE STANDARDS

Pursuant to Sections 232.101, 232.102, 232.103, 232.107, and 232.108 of the Texas Local Government Code, these lot frontage standards shall apply for all subdivisions located in the unincorporated area of Ector County, Texas:

1. These standards are designed to: (a) provide reasonable standards for minimum lot frontages on existing county or other public roads; and (b) establish reasonable standards for the lot frontages in relation to curves in the road, in accordance with standard engineering standards.

2. The minimum lot frontage required for lots located on existing county or other public roads is 100 feet.

EXHIBIT D

EXHIBIT D

FORM 1

ECTOR COUNTY SUBDIVISION PLAT APPLICATION FORM

PROPOSED SUBDIVISION: _____

COMMISSIONER PRECINCT: _____

TRACT SIZE AND LOCATION: _____
_____

TOTAL LOTS, PARTS, OR DIVISIONS: _____

NAME OF NEAREST PUBLIC ROAD: _____

WATER OR SEWER SERVICE PROVIDERS: _____
_____
_____

ELECTRIC SERVICE PROVIDER: _____

GAS SERVICE PROVIDER: _____

OWNER: _____
Address: _____
_____
_____
Telephone: _____
Facsimile: _____

ENGINEER: _____
Address: _____
_____
_____
Telephone: _____
Facsimile: _____

SURVEYOR: _____
Address: _____
_____
_____
Telephone: _____
Facsimile: _____

Add additional sheets, if necessary.

(1) Regarding a proposed subdivision, the following documents are required to be submitted for review at the time of preliminary plat application: all documents required by the active subdivision regulations contained in the Subdivision and Manufactured Home Rental Community Regulations for Ector County, Texas (regulations), in the form, type, and number therein described. Please attached all required documents to this application.

(2) You must timely submit this application and all required documentation to the following public office as described in the regulations: Project Manager, Public Works Department, Ector County, Texas, 1010 East 8th Street, Odessa, Texas 79761 (or then current business office).

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

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

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

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

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

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

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

(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.

I, THE OWNER/APPLICANT NAMED BELOW, CERTIFY THE FOLLOWING:

I have read the active Subdivision and Manufactured Home Rental Community Regulations for Ector County, Texas. All documents required by the regulations have been prepared by me or in 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.

_____
OWNER/APPLICANT
PRINTED NAME: _____
TITLE: _____
DATE: _____

RECEIPT BY COUNTY:

RECEIVED BY: _____
PRINTED NAME: _____
TITLE: _____
ECTOR COUNTY, TEXAS
DATE: _____

EXHIBIT D

FORM 2

ECTOR COUNTY
MANUFACTURED HOME RENTAL COMMUNITY (MHRC)
APPLICATION FORM

PROPOSED MHRC: _____

COMMISSIONER PRECINCT: _____

TRACT SIZE AND LOCATION: _____

TOTAL LOTS, PARTS, OR SPACES: _____

NAME OF NEAREST PUBLIC ROAD: _____

WATER AND SEWER SERVICE PROVIDERS:

_____
_____
_____

ELECTRIC SERVICE PROVIDER: _____

GAS SERVICE PROVIDER: _____

OWNER: _____
Address: _____
_____
_____
Telephone: _____
Facsimile: _____

ENGINEER: _____
Address: _____
_____
_____
Telephone: _____
Facsimile: _____

SURVEYOR: _____
Address: _____
_____
_____
Telephone: _____
Facsimile: _____

Add additional sheets, if necessary.

(1) Regarding a proposed MHRC, the following documents are required to be timely submitted for review by Ector County (County): all documents required by the active MHRC standards and requirements contained in the Subdivision and Manufactured Home Rental Community Regulations for Ector County, Texas (regulations), in the form, type, and number

therein described -- including but not limited to the proposed MHRC infrastructure development plan as required by the regulations.

(2) You must timely submit this application and all required documentation to the following public office as described in the regulations: Project Manager, Public Works Department, Ector County, Texas, 1010 East 8th Street, Odessa, Texas 79761 (or then current business office).

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

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

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

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

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

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

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

(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.

I, THE OWNER/APPLICANT NAMED BELOW, CERTIFY THE FOLLOWING:

I have read the active Subdivision and Manufactured Home Rental Community Regulations for Ector County, Texas. All documents required by the regulations have been prepared by me or in 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.

_____
OWNER/APPLICANT
PRINTED NAME: _____
TITLE: _____
DATE: _____

RECEIPT BY COUNTY:

RECEIVED BY: _____
PRINTED NAME: _____
TITLE: _____
ECTOR COUNTY, TEXAS
DATE: _____

EXHIBIT D

FORM 3

ECTOR COUNTY VARIANCE APPLICATION FORM

FOR USE REGARDING SUBDIVISION OR MANUFACTURED HOME RENTAL COMMUNITY DEVELOPMENT

A. **VARIANCE REQUEST:** I, the undersigned Applicant, hereby request a variance from the requirements of the active subdivision regulations, or manufactured home rental community (MHRC) regulations, of Ector County, Texas (County) for my proposed development project located in said county.

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

PROJECT DESCRIPTION: _____
(Indicate "Subdivision" or "Manufactured Home Rental Community" and describe name/identity of project)

COMMERCIAL OR RESIDENTIAL: _____

COMMISSIONER PRECINCT: _____

TRACT SIZE AND LOCATION: _____

TOTAL LOTS, DIVISIONS, PARTS, OR SPACES: _____

PUBLIC ROAD ACCESS DESCRIPTION: _____

WATER AND SEWER SERVICE PROVIDERS: _____
_____
(Current or Proposed)

ELECTRIC SERVICE PROVIDER: _____
(Current or Proposed)

GAS SERVICE PROVIDER: _____
(Current or Proposed)

OWNER: _____
Address: _____
_____
_____

Telephone: _____
Facsimile: _____

ENGINEER: _____
Address: _____
_____
_____

Telephone: _____
Facsimile: _____

SURVEYOR: _____
Address: _____
_____
_____

Telephone: _____
Facsimile: _____

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

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

(2) You must timely submit this application and all required documentation to the following public office as described in the regulations: Project Manager, Public Works Department, Ector County, Texas, 1010 East 8th Street, Odessa, Texas 79761 (or then current business office).

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

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

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

facilities.

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

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

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

(9) 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: _____.

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

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

I, THE OWNER/APPLICANT NAMED BELOW, CERTIFY THE FOLLOWING:

I have read the active Subdivision and Manufactured Home Rental Community Regulations for Ector County, Texas. All documents required by the regulations have been prepared by me or in 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.

_____
OWNER/APPLICANT
PRINTED NAME: _____
TITLE: _____
DATE: _____

RECEIPT BY COUNTY:

RECEIVED BY: _____
PRINTED NAME: _____
TITLE: _____
ECTOR COUNTY, TEXAS
DATE: _____

EXHIBIT E

EXHIBIT E:
EXCEPTIONS TO PLAT REQUIREMENTS

(1) Pursuant to Section 232.0015 of the Texas Local Government Code and the active subdivision regulations of Ector County, Texas (County), the following exceptions to plat requirements are adopted regarding subdivisions located in the unincorporated areas of said county:

(A) The County shall not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if: (1) the owner does not lay out a part of the tract described by Section 232.001(a)(3) of the Texas Local Government Code; and (2) the land is to be used primarily for agricultural use, as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management, or timber production use within the meaning of Section 1-d-1, Article VIII, Texas Constitution. If a tract described by this paragraph ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use, the platting requirements of these rules shall apply.

(B) The County shall not require the owner of a tract of land located outside the limits of a municipality who divides the tract into four or fewer parts and does not lay out a part of the tract described by Section 232.001(a)(3) of the Texas Local Government Code to have a plat of the subdivision prepared if each of the lots is to be sold, given, or otherwise transferred to an individual who is related to the owner within the third degree by consanguinity or affinity, as determined under Chapter 573 of the Texas Government Code. If any lot is sold, given, or otherwise transferred to an individual who is not related to the owner within the third degree of consanguinity or affinity, the platting requirements of these rules and regulations shall apply.

(C) The County shall not require the owner of a tract of land located outside the limits of a municipality who divides the tract in to two or more parts to have a plat of the subdivision prepared if: (1) all of the lots in the subdivision are more than 10 acres in area; and (2) the owner does not lay out a part of the tract described by Section 232.001(a)(3) of the Texas Local Government Code.

(D) The County shall not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts and does not lay out a part of the tract described by Section 232.001(a)(3) of the Texas Local Government Code to have a plat of the subdivision prepared if all of the lots are sold to veterans through the Veterans' Land Board Program.

(E) The platting requirements of these rules shall not apply to a subdivision of any tract of land belonging to the State or any state agency, board, or commission or owned by the permanent school fund or any other dedicated funds of the State unless the subdivision lays out a part of the tract described by Section 232.001(a)(3) of the Texas Local Government Code.

(F) The County shall not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision

prepared if: (1) the owner of the land is a political subdivision of the State; (2) the land is situated in a floodplain; and (3) the lots are sold to adjoining landowners.

(G) The County shall not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two parts to have a plat of the subdivision prepared if: (1) the owner does not lay out a part of the tract described by Section 232.001(a)(3) of the Texas Local Government Code; and (2) one new part is to be retained by the owner, and the other new part is to be transferred to another person who will further subdivide the tract subject to the plat approval requirements of these regulations and Chapter 232 of the Texas Local Government Code.

(H) The County shall not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if: (1) the owner does not lay out a part of the tract described by Section 232.001(a)(3) of the Texas Local Government Code; and (2) all parts are transferred to persons who owned an undivided interest in the original tract and a plat is filed before any further development of any part of the tract.

(I) The County shall not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if: (1) no part of the land is located in a floodplain; (2) no land or improvements will be dedicated to public use; (3) each lot or divided part will be developed for a commercial, agricultural, industrial, or non-residential purpose; (4) no water facilities, wells, or services for the drinking of water by humans will be installed, provided, or obtained by the developer, or any lot owner or lessee, for any lot or divided part; and (5) no sewer, wastewater, human excreta or other waste removal, septic, or OSSF facilities or services will be installed, provided, or obtained by the developer, or any lot owner or lessee, for any lot or divided part. Notwithstanding the provisions of this subpart (I), this exception shall not include or be applicable to any lot or divided part to be developed for the following purposes: (1) a trailer, recreational vehicle, or mobile home park or subdivision; (2) a manufactured home rental community; or (3) a manufactured home subdivision.

(J) The County shall not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if: (1) no part of the land is located in a floodplain; (2) no land or improvements will be dedicated to public use; (3) each lot or divided part will be developed for the purpose of industrial, commercial, or other business activity directly related to (i) the exploration or production of oil, gas or other minerals, or (ii) the generation of electricity, including wind farms or wind energy production or transmission sites; (4) any water facilities, wells, or services for the drinking of water by humans which are installed, provided, or obtained by the developer, or any lot owner or lessee, for any lot or divided part shall be confined to the actual work site of the aforesaid oil, gas or other mineral activity, or shall be confined to the actual work site of the aforesaid generation of electricity activity, and shall comply with minimum state standards; and (5) any sewer, wastewater, human excreta or other waste removal, septic, or OSSF facilities or services which are installed, provided, or obtained by the developer, or any lot owner or lessee, for any lot or divided part shall be confined to

the actual work site of the aforesaid oil, gas or other mineral activity, or shall be confined to the actual work site of the aforesaid generation of electricity activity, and shall comply with minimum state standards and the County's active sewer, septic, or OSSF regulations.

(2) The Commissioners Court may allow conveyance of portions of one or more previously platted lots by metes and bounds description without revising the plat, provided that the conveyance does not violate, alter, amend, diminish, or remove any recorded covenants, restrictions, or vested property rights.

EXHIBIT F

EXHIBIT F:
FEE SCHEDULE

The following fee schedule is adopted regarding subdivisions and manufactured home rental communities ("MHRC") located in the unincorporated areas of Ector County, Texas:

(1) Regarding proposed subdivision development and subdivision plats, all fees shall be paid by the developer to the County at the time of the preliminary plat application and submission, before the County conducts a plat review -- with the exception of required filing and recording fees, if any, which shall be paid to the County Clerk upon the filing or recording of documents with said clerk.

(2) Regarding proposed infrastructure development plans for MHRC development, all fees shall be paid by the developer to the County at the time of plan submission, before the County conducts a plan review -- with the exception of required filing and recording fees, if any, which shall be paid to the County Clerk upon the filing or recording of documents with said clerk.

(3) All fees described by this schedule shall be paid timely and in full by cashier's check or money order, payable to the order of Ector County, Texas, to the Project Manager, Public Works Department, Ector County, Texas, 1010 East 8th Street, Odessa, Texas 79761, Odessa, Texas 79761 (or then current business office), with the exception of required filing and recording fees, if any, which shall be paid to the County Clerk upon the filing or recording of documents with said clerk. No partial fee payments shall be accepted.

(4) The following fees are adopted for all proposed subdivision development and subdivision applications and plats -- and for all proposed infrastructure development plans for MHRC development -- and the total amount of said fees shall be payable to the County in the form and manner herein described:

(a) For a subdivision as defined by these regulations, the following fees are required: $300 for a preliminary plat; $300 for a final plat; $300 for an amended plat or re-plat; $100 for an ETJ plat; plus all required filing and recording fees, if any.

(b) For an MHRC as defined by these regulations, the following fees are required: $300 for an MHRC infrastructure development plan; plus all required filing and recording fees, if any.

(5) Should the developer request a variance from the provisions of the subdivision or MHRC regulations of the County, a variance request/application fee of $75.00 is required. This fee must be timely paid to the County as follows:

(a) Regarding a requested subdivision regulation variance, said fee shall be timely paid in full by the developer at the time of the submission

of the subdivision plat application, preliminary plat, amended plat, and/or re-plat, and variance application to the County. If not timely paid to the County in full, the variance request shall be denied.

(b) Regarding a requested MHRC regulation variance, said fee shall be timely paid in full by the developer at the time of the submission of the MHRC application, infrastructure development plan, and variance request to the County. If not timely paid to the County in full, the variance request shall be denied.

(6) For the issuance of a Certificate of Manufactured Home Rental Community Compliance, which shall authorize the connection of utility service by a utility service provider to a MHRC development (or a lot, space, part, or division therein), a fee of $75.00 is required for each requested certificate.

EXHIBIT G

EXHIBIT G:
MANUFACTURED HOME RENTAL COMMUNITY STANDARDS

Pursuant to Section 232.007 of the Texas Local Government Code (Section 232.007), these standards and requirements shall apply to all manufactured home rental communities (MHRC) located in the unincorporated area of Ector County, Texas:

1. Construction of a proposed MHRC may not begin before an infrastructure development plan (plan) has been submitted to and approved by the Commissioners Court, as follows:

(a) The plan shall: (1) provide adequate drainage for the MHRC, including all streets or roads therein, in accordance with standard engineering practices; (2) specify necessary drainage culverts and other drainage facilities for the MHRC; and (3) identify all areas of the MHRC located in the floodplain, if any. The drainage requirements for the MHRC shall be in compliance with the following standards: all drainage requirements described in the subdivision regulations for the County, which are incorporated by reference.

(b) The plan shall describe and specify: (1) the provision of an adequate public or community water supply to the MHRC in accordance with minimum state standards; and (2) the location of all facilities and supply lines for said water supply in accordance Subchapter C, Chapter 341 of the Texas Health and Safety Code.

(c) The plan shall describe and specify the provision of access of the MHRC to sanitary sewer or septic facilities and lines, in accordance with minimum state standards, including: (1) providing and identifying the location of all sanitary sewer facilities and lines; or (2) providing and identifying adequate on-site/OSSF sewage facilities and lines in accordance with Chapter 366 of the Texas Health and Safety Code.

(d) The plan shall contain a land survey of the proposed MHRC performed by a Texas registered professional land surveyor, and shall identify, at minimum: (1) the proposed MHRC boundaries, and any significant features located therein; (2) the proposed location of all spaces, lots, or other parts of the MHRC; (3) the proposed or existing utility, road, and drainage easements; and (4) the dedications of easements and rights-of-way, if any.

(e) The plan shall state that it complies with these regulations and all applicable requirements of the County's active sewer, drainage, septic, or

OSSF regulations; (2) the County's active floodplain management regulations; and (3) state and federal law.

(f) The plan shall identify and describe all roads and streets in the MHRC. Said roads and streets shall be constructed and comply with the following standards in order to provide ingress and egress for fire and emergency vehicles: all road and street requirements described in the subdivision regulations for the County, which are incorporated by reference.

2. The MHRC application and proposed infrastructure development plan shall be signed, dated, and approved by the developer. The plan also shall be signed, dated, approved, and stamped by the developer's: (a) engineer, being a Texas registered professional engineer; and (b) surveyor, being a Texas registered professional land surveyor.

3. The MHRC application and proposed infrastructure development plan, being fully executed, complete and in compliance with these regulations, and with all required fees, shall be submitted by the developer to the County Designee, same being the Project Manager, Public Works Department, Ector County, Texas, 1010 East 8th Street, Odessa, Texas 79761 (or then current business office). The developer shall meet with the County Designee within 14-days after submission of the plan for the purpose of a preliminary review and discussion of the proposed development project, the proposed plan, and all documents to support the plan submission.

4. Approval or rejection of an infrastructure development plan by the County Designee shall be in writing. The County Designee may deny a MHRC and its proposed infrastructure development plan if: (1) the plan does not comply with all requirements prescribed by law and 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. The MHRC application and proposed infrastructure development plan are considered complete when all documentation or other information required by these regulations is received.

5. Pursuant to Section 232.007, 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.

6. Pursuant to Section 232.007, construction in or regarding a MHRC may not begin (and the MHRC may not be occupied by tenants or lessees) before the date the infrastructure development plan is approved by the County Designee, and the County may require inspection of the infrastructure during or on completion of its construction. If the inspector determines that the infrastructure complies with the plan, the County shall issue a Certificate of Compliance in accordance with the requirements of Section 232.007.

7. A utility may not provide utility services, including water, sewer, gas, and

electric services, to a MHRC subject to an infrastructure development plan or to a manufactured home in the MHRC unless the owner provides the utility with a copy of the Certificate of Compliance issued by the County under the preceding paragraph. As used in this paragraph, "utility" means: (a) a municipality that provides utility services; (b) a municipality owned or municipally operated utility that provides utility services; (c) a public utility that provides utility services; (d) a nonprofit water supply or sewer corporation organized and operating under Chapter 67 of the Texas Water Code, that provides utility services; (e) a county that provides utility services; and (f) a special district or authority created by state law that provides utility services.

8. The Commissioners Court may grant a variance from these MHRC standards or requirements pursuant to the variance procedures and standards described in the attached regulations, which are incorporated by reference. The variance application, review, and fee requirements therein described are expressly adopted regarding MHRC development, including the following requirements:

(a) Regarding a requested variance from the County's MHRC regulations, the variance application must be timely filed with the required MHRC application and proposed infrastructure development plan.

(b) A variance request/application fee, as described in the fee schedule attached to these regulations, shall be paid in full to the County at the time of the variance application filing.

EXHIBIT H

EXHIBIT H
FIREARM AND BOW/ARROW REGULATIONS

Pursuant to Sections 235.020 through 235.045 of the Texas Local Government Code, Ector County hereby adopts the following regulations regarding firearms and bows and arrows in the unincorporated area of the County:

(1) These regulations apply to a subdivision all or part of which is located in the unincorporated area of the County and for which a plat is required to be prepared and filed pursuant to these regulations.

(2) As used herein unless otherwise designated: (a) "airgun" has the meaning assigned by Section 229.001 of the Texas Local Government Code; and (b) "hunting" means to hunt as defined by Section 1.101 of the Texas Parks and Wildlife Code.

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

(4) To promote the public safety, the Commissioners Court hereby prohibits hunting with bows and arrows on lots that are 10 acres or smaller and are located in the unincorporated area of the County in a subdivision. This regulation does not authorize the Commissioners Court to regulate the transfer, ownership, possession, or transportation of bows and arrows and does not authorize the Commissioners Court to require the registration of bows and arrows. Any person is entitled to appropriate injunctive relief to prevent a violation or threatened violation of this regulation from continuing or occurring. A person commits an offense if the person intentionally or knowingly engages in conduct that is a violation of this regulation. An offense under this regulation is a Class C misdemeanor. If it is shown on the trial of an offense under this regulation that the person has previously been convicted of an offense under this section, the offense is a Class B misdemeanor.