

*Irion County, Texas -- Proposed 2025 Subdivision/MHRC Regulations  
For Public Hearing*

**SUBDIVISION AND MANUFACTURED HOME  
RENTAL COMMUNITY REGULATIONS  
FOR IRION COUNTY, TEXAS**

**Effective Date: \_\_\_\_\_, 2025**

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**ARTICLE 1 -- ADMINISTRATIVE PROVISIONS**

**§ 1.1 Enactment.**

- (A) **County and Governing Body.** Irion County, Texas (“County”) is a duly organized and operating county of the State of Texas, and the Irion County Commissioners Court (“Commissioners Court”) is the governing body of the County.
- (B) **Declaration.** The County, acting by and through its Commissioners Court, hereby declares that these **Subdivision and Manufactured Home Rental Community Regulations for Irion County, Texas (“Regulations”)** are lawfully enacted, approved, and adopted, and shall be enforced pursuant to and in compliance with the express and implied authority herein described.

**§ 1.2 Public Purposes.**

- (A) **Identification.** These Regulations are enacted, approved, and adopted, and shall be enforced to accomplish the following worthwhile public purposes:
- (1) The Regulations shall govern plats and subdivisions of land, as well as manufactured home rental communities (“MHRC”), within the unincorporated area of Irion County, Texas to promote the health, safety, morals and general welfare of the county and the safe, orderly, and healthful development of the unincorporated area of the county, and further, to prevent colonias or other substandard development.
  - (2) The Regulations shall ensure that adequate (a) plats, plans, design and planning procedures, (b) water, sewer, septic, and on-site sewer facilities (“OSSF”), (c) drainage, stormwater, and floodplain management, and (d) utility and transportation infrastructure are provided in the unincorporated area of the county.
  - (3) The Regulations are reasonably enacted, approved, and adopted, and shall be enforced among other things to: (a) fulfill an obligation mandated by federal and/or state law; (b) regulate construction and other development in an area designated under law as a federal or state floodplain; (c) regulate sewer and OSSF facilities; (d) prevent waste; (e) protect the rights of owners of interests in groundwater; (f) prevent subsidence and erosion; (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 impose a greater burden than is necessary to achieve said purpose; (h) regulate water safety; and (i) prevent the imminent destruction of property, or injury or death to persons from flooding within a floodplain established by a federal or state flood control program, and said program being enacted to prevent the flooding of buildings intended for public occupancy, as well as other buildings and property.

- (B) **Accomplishment.** The enactment, approval, adoption, and enforcement of the Regulations shall substantially accomplish or advance all public purposes herein described.

**§ 1.3 Conditions Precedent and Notice.**

- (A) **Conditions Precedent.** All notice and conditions precedent for the lawful enactment, adoption, approval, and enforcement of the Regulations have been accomplished.
- (B) **Notice.** Any notice or document submission to the County required by the Regulations shall be in writing and delivered only by the United States Postal Service (by certified mail), by courier, or by hand-delivery (e-mail or facsimile delivery being expressly prohibited -- unless agreed by the parties in writing), and with proof of said delivery to the County established by a delivery receipt or other document. The County's contact official and business office address regarding notice or document submissions required by the Regulations are as follows:

**Mailing Address:**

County Clerk  
 Irion County, Texas  
 P.O. Box 270  
 Mertzon, Texas 76941

**Physical Address (for courier or hand-delivery):**

County Clerk  
 Irion County, Texas  
 Irion County Courthouse  
 209 North Park View Street  
 Mertzon, Texas 76941

- § 1.4 Effective Date.** The effective date ("**Effective Date**") of the Regulations is \_\_\_\_\_, 2025.

- § 1.5 Partial Invalidity.** Should any part of the Regulations, or the application or enforcement thereof, be determined or adjudged invalid by any court, tribunal, administrative agency, or governmental office, the remainder of the Regulations shall remain fully effective, in force, and operable.

- § 1.6 Headings.** The separate headings contained in the Regulations are for reference and convenience only and shall not limit or otherwise affect in any way the meaning of the Regulations.

- § 1.7 ETJ Regulation.** The authority of the County to regulate plats or subdivisions of land by the Regulations in the extraterritorial jurisdiction ("**ETJ**") of an incorporated municipality located in Irion County, Texas is subject to the provisions of an active interlocal governmental agreement made by and between the County and the municipality pursuant to the requirements of Chapter 242 of the Texas Local Government Code and Chapter 791

of the Texas Government Code.

**§ 1.8 Adopted Authority.** The following legal authority, as amended and hereby incorporated by reference, and the express and implied regulatory powers therein granted to the County, are hereby approved and adopted by the County to support the interpretation, application, implementation, and enforcement of these Regulations: TEX. CONST. art. 5, § 18; 42 U.S.C. §§ 4001-4027; 44 CFR Ch. I (Subch. B, Parts 59-60); TEX. HEALTH & SAFETY CODE Chs. 341, 343, 364, 366; TEX. LOC. GOV'T CODE Chs. 232 (Subchs. A, E, Z), 233, 235, 242, 245; TEX. LOC. GOV'T CODE §§ 212.013-.016, 232.001-.011, 232.101-.110, 232.901, 247.001-.006; TEX. PROP. CODE Chs. 12, 13; TEX. TRANSP. CODE §§ 201.619, 251.003, 251.008; TEX. WATER CODE Ch. 16 (Subchs. I, J); 30 TAC §§ 230.1-230.11; the County's active flood damage prevention orders or other floodplain management regulations; the County's and State's active sewer, septic, or OSSF orders or regulations, as applicable; and all other authority described or recited in the Regulations.

## **ARTICLE 2 – DEFINITIONS, INTERPRETATION, AND APPENDIX**

### **§ 2.1 Word Usage and Special Definitions.**

- (A) **Common Usage.** Unless specially defined, words used in the Regulations shall be interpreted according to their common usage or meaning in order to result in the most reasonable application.
- (B) **Special Definitions.** Unless otherwise designated, the following special definitions shall apply whether the term or phrase appears in capital letters or bold, italics, or underlined print.
- (1) **“Applicant”** shall mean the person or business entity required by these Regulations to sign and execute the subdivision Plat or MHRC Application as the Applicant.
  - (2) **“Business day”** shall mean a day other than a Saturday, Sunday, or holiday recognized by the County, and “day” shall mean a calendar day unless specifically identified as a “business day.”
  - (3) **“Campground”** shall mean an area of real property intended for camping or glamping and is intended to include campgrounds for tents, temporary structures, or permanent structures intended to provide a camping experience. **“Glamping”** shall mean a luxury camping experience that typically offers indoor amenities such as beds, electricity, and indoor plumbing.
  - (4) **“Colonias”** shall mean substandard, generally (but not always) impoverished, rural subdivisions or other developments that lack basic utilities, drainage, roads, and related infrastructure.

- (5) **“Commissioners Court”** shall mean means the Commissioners Court of Irion County, Texas.
- (6) **“County”** shall mean Irion County, Texas, including its elected officials, appointed officials, employees, agents, and representatives.
- (7) **“County Clerk”** shall mean the District and County Clerk (a combined public office as allowed by law) of Irion County, Texas, with her current: mailing address being P.O. Box 270, Mertzon, Texas 76941; and business office address being at the Irion County Courthouse, 209 North Park View Street, Mertzon, Texas 76941 (telephone 325-835-2421).
- (8) **“County Judge”** shall mean the County Judge of Irion County, Texas, with her current: mailing address being P.O. Box 770, Mertzon, Texas 76941; and business office address being at the Irion County Courthouse, 209 North Park View Street, Mertzon, Texas 76941 (telephone 325-835-4361) (county internet website [www.co.irion.tx.us](http://www.co.irion.tx.us)).
- (9) **“Developer” or “Owner”** shall mean the fee simple owner of record (being either a person or business entity) of the real property made the subject of the proposed subdivision or MHRC development project, and said person or entity is required by these Regulations to sign and execute the subdivision Plat or MHRC Infrastructure Plan. Developer and Owner are synonymous as used in these Regulations. For purposes of these Regulations, only the record and fee simple Developer/Owner of the subdivision or MHRC development land (and specifically not the agent thereof) may properly execute and acknowledge a subdivision plat or MHRC Infrastructure Development Plan, as described in §§ 3.2, 4.1, and 5.1.
- (10) **“Development”** shall mean any actual or proposed man-made change to improved or unimproved real property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or the storage of equipment or materials.
- (11) **“Drinking Water”** shall mean all water distributed by any agency or individual, public or private, for the purpose of human consumption, use in the preparation of foods or beverages, cleaning any utensil or article used in the course of preparation or consumption of food or beverages for human beings, human bathing, or clothes washing.
- (12) **“Engineer”** shall mean a person licensed and authorized to practice engineering in the State of Texas under the Texas Engineering Practice Act. When these Regulations require a matter to be performed according to or in compliance with “standard engineering practice,” that phrase shall be interpreted to mean standard engineering practice in Texas.

- (13) **“ETJ”** shall mean the extraterritorial jurisdiction of an incorporated municipality pursuant to Texas law.
- (14) **“Floodplain”** shall mean: (a) any area in the 100-year floodplain or area of special flood hazard that is susceptible of being inundated by water from any source, as identified by the flood maps issued by the Federal Emergency Management Agency (**“FEMA”**) for the County under the National Flood Insurance Act and NFIP; or (b) if said floodplain has not been identified by FEMA through its issuance of said maps, any area subject to a 1% or greater chance of flooding in any given year.
- (15) **“Lot”** shall mean a divided space, part, or parcel of real property (including a lodging space described in **Appendix/Exhibit J**) having a unique location, designation, or description as shown on the ground or on a plat, plan, map, or survey document, or as otherwise established or described by these Regulations.
- (16) **“Major Road”** shall mean and include: (a) all state or federal highways; and (b) any county-maintained road specifically designated by the Commissioners Court as a major highway or thoroughfare.
- (17) **“Man Camp”** shall mean a housing encampment that is typically located in the general vicinity of industrial, construction, or natural resource extraction sites to house workers of those sites on a temporary basis, and may include (a) organized or makeshift RV or trailer parks, (b) Tiny Home development sites, or (c) housing structures constructed on site or through the placement of prefabricated structures on site -- but specifically excluding a Manufactured Home defined by these Regulations.
- (18) **“Manufactured Home” or “Manufactured Housing”** shall mean the following:
- (a) a **“HUD-Code Manufactured Home”** defined by §§ 1201.003-.004 of the Texas Occupations Code and other authority as a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, which structure (i) is built on a permanent chassis, is designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities, is transportable in one or more sections, and when in the traveling mode, is at least 8 body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet, (ii) includes the plumbing, heating, air conditioning, and electrical systems of the home, and (iii) does not include a recreational vehicle as defined by these Regulations and 24 Code of Federal Regulations Section 3282.8(g); or

- (b) a **“Mobile Home”** defined by §§ 1201.003-.004 of the Texas Occupations Code and other authority as a structure constructed on or after June 15, 1976, which structure is (i) built on a permanent chassis, designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities, is transportable in one or more sections, and when in the traveling mode, at least 8 body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet, and (ii) includes the plumbing, heating, air conditioning, and electrical systems of the home, but (iii) does not constitute a Recreational Vehicle as herein defined; or
  - (c) **“Manufactured Home”** defined by 24 Code of Federal Regulations § 3280.2 and other authority as a structure which (i) is transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or which when erected on-site is 320 or more square feet, (ii) is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, (iii) includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure, (iv) includes all structures that meet the above requirements except the size requirements and with respect to which the manufacturer voluntarily files a certification pursuant to 24 Code of Federal Regulations § 3282.13 and complies with the construction and safety standards set forth in 24 Code of Federal Regulations § 3280, but (v) does not include any self-propelled or other Recreational Vehicle. Calculations used to determine the number of square feet in a structure will include the total of square feet for each transportable section comprising the completed structure and will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. Nothing in this definition should be interpreted to mean that a manufactured home necessarily meets the requirements of HUD's Minimum Property Standards (HUD Handbook 4900.1) or that it is automatically eligible for financing under 12 U.S.C. 1709(b).
- (19) **“Manufactured Home Rental Community” or “MHRC”** shall mean a plot or tract of land that is separated into two or more spaces or lots that are rented, leased, or offered for rent or lease, for a term of less than 60 months without a purchase option, for the installation of manufactured homes for use and occupancy as a residence, as defined by § 232.007 of the Texas Local Government Code.

- (20) **“Minimum State Standards”** shall mean the minimum standards of the State of Texas required for: (a) adequate drinking water pursuant to § 16.343(b)(1) of the Texas Water Code or other state authority; (b) adequate sewer and/or 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.
- (21) **“NFIP”** shall mean the National Flood Insurance Program pursuant to federal law, including: (a) the National Flood Insurance Act pursuant to Sections 4001-4027, Title 42 of the United States Code; and (b) 44 CFR Ch. I, Subch. B, Parts 59, 60.
- (22) **“OSSF”** shall mean an on-site sewage facility (and includes a septic system), as defined in rules and/or regulations adopted by TCEQ, including but not limited to 30 TAC Chapter 285. As of the Effective Date of these Regulations, the County does not serve (but may in the future serve) as the agent for the State of Texas, by and through TCEQ, regarding the OSSF/septic system permitting in the unincorporated area of Irion County, Texas; therefore, until the County obtains the permitting authority from TCEQ, if ever, please take notice that permits for OSSF/septic systems for development located in the unincorporated area of Irion County must be obtained directly from TCEQ at the following location: the TCEQ/Region 8 business office, 622 South Oakes Street, Suite K, San Angelo, Texas 76903-7035 (telephone 325-655-9479).
- (23) **“Plat”** shall mean: (a) a plat required by these Regulations; or (b) a map or drawing and any accompanying material of a proposed subdivision prepared in a manner suitable for recording in the County records and prepared as described in the Regulations.
- (24) **“Plat Application”** shall mean the Subdivision Plat Application Form described in § 3.2 and **Appendix/Exhibit A** of the Regulations.
- (25) **“Platted”** shall mean a plat recorded in an official plat record on file with the office of the County Clerk.
- (26) **“Purchaser”** shall include purchasers under executory contracts for the conveyance of real property.
- (27) **“Recreational Vehicle” or “RV”** shall mean: (a) pursuant to 24 Code of Federal Regulations § 3282 or other authority, a vehicle which is (i) built on a single chassis, (ii) 400 square feet or less when measured at the largest horizontal projections, (iii) self-propelled or permanently towable by a light duty truck, and (iv) designed primarily not for use as a permanent dwelling

but as temporary living quarters for recreational, camping, travel, or seasonal use; or (b) any motor-propelled or towed vehicle, camper, camper truck or coach, trailer or travel trailer, motor home or coach, or structure designed for, used, or intended to be used as a dwelling or for the permanent, temporary, or overnight accommodation or lodging of a person, but specifically excluding a Manufactured Home defined by these Regulations.

- (28) **“Regulations”** shall mean these Subdivision and Manufactured Home Rental Community Regulations for Irion County, Texas.
- (29) **“Sewer,” “sewer services,” “sewerage facilities,” and “sewer facilities”** shall mean: (a) treatment works as defined by § 17.001 of the Texas Water Code, or individual, on-site (or OSSF), or cluster treatment systems such as septic tanks, and includes drainage facilities and other improvements for proper functioning of septic tank systems; and (b) the devices and systems which transport domestic wastewater from residential property, treat the wastewater, and dispose of the treated water in accordance with the minimum state standards contained or referenced in these Regulations.
- (30) **“State”** shall mean the State of Texas and its administrative agencies.
- (31) **“Subdivision”** shall mean a division of land described in § 3.1 of these Regulations. A subdivision includes a re-subdivision (or replat) of land which was previously divided.
- (32) **“Surveyor”** shall mean a Texas Registered Professional Land Surveyor pursuant to Texas law.
- (33) **“TAC”** shall mean the Texas Administrative Code, as compiled by the Texas Secretary of State.
- (34) **“TCEQ” or “the Commission”** shall mean the Texas Commission on Environmental Quality.
- (35) **“Texas Open Meetings Act”** shall mean Chapter 551 of the Texas Government Code.
- (36) **“Tiny Home”** shall mean any structure (typically described as having a total floorspace, excluding lofts, no larger than 600 square feet) towed on a trailer with wheels or placed on land, and being designed for, used, or intended to be used as a dwelling of a person, or for the temporary, permanent, or overnight accommodation or lodging of a person -- but specifically excluding a Manufactured Home defined by these Regulations.
- (37) **“TWDB”** shall mean the Texas Water Development Board.

- (38) **“Voluntary Concept Plan”** shall mean the concept plan submitted by the Developer to the County on a strictly voluntary basis for preliminary informational purposes regarding the proposed subdivision, as described in § 3.2(C) of these Regulations.
- (39) **“Utility”** shall mean a person, entity, or political subdivision providing the services of an electric utility under § 31.002 or Chapter 181 of the Texas Utilities Code, a gas utility or corporation pursuant to § 101.003 or Chapter 181 of the Texas Utilities Code, a water and sewer utility pursuant to § 13.002 of the Texas Water Code, or any other utility defined by Texas law.
- (40) **“Water District”** shall mean the following described special district with jurisdictional authority granted by the law of the State of Texas regarding certain land located in Irion and Tom Green Counties, Texas, said district being authorized to develop, promote, and implement water conservation and water management strategies in order to conserve, preserve, and protect the groundwater supplies of the territorial land area of said district, and being authorized to protect and enhance recharge, prevent waste and pollution, and effect the efficient use of groundwater in the territorial land area of said district: the **Irion County Water Conservation District (“Irion County WCD”)**, with its current: mailing address being P.O. Box 10, Metzon, Texas 76941; business office address being at the Irion County Courthouse Annex, 208 North Park View Street, Mertzon, Texas 76941 (telephone 325-835-2015 and internet website at icwd@verizon.net); and territorial land area comprised of all of Irion County, Texas and parts of Tom Green County.

## § 2.2 Interpretation.

- (A) **Tense, Gender, and Number.** Unless otherwise designated, the past, present, or future tense shall each include the other, the masculine or feminine gender shall each include the other, and the singular and plural number shall each include the other where necessary for a correct meaning.
- (B) **Incorporation by Reference.** The following matters are approved and incorporated by reference in the Regulations: (1) all statements made in the preliminary recitals; (2) all documents attached as the Appendix; (3) all authority recited or described in these Regulations; and (4) where applicable for the use, operation, and enforcement of these Regulations, all provisions of the County’s and State’s active floodplain management, sewer, septic/OSSF, or other development regulations.
- (C) **Minimum Requirements.** These Regulations shall be considered as minimum requirements and liberally construed in favor of the County.
- (D) **Superseding Effect.** These Regulations shall supersede, repeal, and replace any subdivision and/or MHRC regulations enacted by the County before the Effective Date.

**(E) Subdivision and MHRC Development Distinguished.**

- (1) Pursuant to § 232.007(b) of the Texas Local Government Code, Manufactured Home Rental Community development projects (described in Article 5 of these Regulations) in the unincorporated area of Irion County, Texas technically are not subdivisions. Development projects in the unincorporated area of Irion County, Texas which qualify for regulation as MHRCs will be regulated by the County pursuant to § 5.1 and the other provisions in these Regulations which apply to MHRC development.
- (2) Development projects in the unincorporated area of Irion County, Texas which do not qualify for regulation as MHRC development pursuant to these Regulations (such as trailer parks, RV parks, Tiny Home sites, and Man Camps) -- but do qualify for regulation as subdivision development projects -- will be regulated by the County as subdivisions pursuant to these Regulations.

**ARTICLE 3 – SUBDIVISION PLAT PROCEDURE****§ 3.1 Plat Required for Division of Land.**

- (A) **Division Defined.** Pursuant to § 232.001 of the Texas Local Government Code, the owner of a tract of land in Irion County, Texas located outside the limits of a municipality must have a plat of the subdivision prepared, and thereafter approved by the Commissioners Court, if the owner divides the tract into two or more parts to lay out: (1) a subdivision of the tract, including an addition; (2) lots; or (3) streets, alleys, squares, parks, or other parts of the tract intended by the owner of the tract to be dedicated to public use.
- (B) **Scope of Division.** A division of a tract of land as described in this section is a subdivision for purposes of the Regulations, and includes any such division regardless of whether it is made: (a) by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method; or (b) for the purpose of residential, business, commercial, industrial, private, or other development – including without exception project sites for the development of homes, residences, businesses, apartments, condominiums, hotels, motels, RV parks, trailer parks, campgrounds, Tiny Homes, Man Camps, and restaurants.

**§ 3.2 Plat Submission and Review.**

- (A) **Application.** The County's Subdivision Plat Application Form is described in **Appendix/Exhibit A**. It shall be provided at no cost to the public at: the office of the County Clerk at the notice address described in § 1.3 of the Regulations; and on the County's internet website at [www.co.irion.tx.us](http://www.co.irion.tx.us). The Plat Application Form describes all required documentation for submission by the Developer to the County of a completed Plat Application. A completed Plat Application shall constitute and contain (among other things hereafter described) the following:

- (1) the fully completed and executed application;
  - (2) the business address and contact information of the applicant and owner;
  - (3) an executed plat and all supporting documents as herein described;
  - (4) a copy of the owner's active and recorded deed to the subdivision land, thereby verifying that current and full fee simple title is held by the owner to said land;
  - (5) sufficient written evidence (in the form of a tax certificate or other tax entity issued document) showing that an ad valorem tax delinquency does not exist regarding the subdivision land;
  - (6) should the application be signed by an employee or agent of the developer or owner, sufficient written evidence of the existence of that agency relationship authorizing the agent or employee to execute the application on behalf of the developer or owner and to represent said party regarding matters pertaining to the application and subdivision;
  - (7) complete copies of the completed plat application, original plat, and all attached or enclosed documents thereto, as herein described by the required number and form, and further, said documents shall be saved, stored, and submitted to the County Clerk with the application in a universal serial bus (or USB) flash drive data storage device; and
  - (8) all other information and documents required by these Regulations.
- (B) **Submission of Completed Application/Notice of Incomplete Application.**
- (1) A completed Plat Application shall be submitted by the Developer to the County Clerk at the notice address described in § 1.3.
  - (2) The Developer shall request to the County Clerk in writing a meeting with the County Judge at least fifteen (15) days prior to submission of an MHRC application and plan to the County's designee, in order to allow the County to conduct a visual inspection of the property, review the Developer's intentions, establish any special requirements for the MHRC application, and to discuss the application process.
  - (3) County acceptance of a submitted Plat Application shall not constitute plat approval by the County.
  - (4) Pursuant to § 232.0025(b) of the Texas Local Government Code, if a Developer submits a Plat Application to the County that does not include all of the documentation or other information required by law and these

Regulations, the County shall, not later than the 10th business day after the date the County receives the application, notify the applicant of the missing documents or other information. The County shall allow an applicant to timely submit the missing documents or other information.

- (C) **Voluntary Concept Plan.** Prior to submission of a plat, the Developer voluntarily may submit a checklist and Voluntary Concept Plan to the County Clerk, and request to the County Judge in writing a meeting with the County Judge (and as decided by said judge, other individuals that may be helpful to discuss the concept plan of the proposed subdivision). (**Appendix/Exhibit K**). The aforesaid plan submittal and meeting are not required as conditions of plat approval by these Regulations, and the Voluntary Concept Plan is not a component of the subdivision plat application required by these Regulations.
- (D) **Review.** Upon submission of a completed Plat Application, the County will review the application, proposed plat, and supporting documents for completeness, sufficiency, and compliance with the Regulations. The County shall act on the completed application and proposed plat pursuant to the review, approval, approval with conditions, and disapproval procedures and other requirements of §§ 232.001-.005, 232.008-.011, 232.101-.110, 232.901, and 247.001-.006 of the Texas Local Government Code. Pursuant to said authority, please note the following requirements:
- (1) The Commissioners Court must approve a submitted plat by a recorded vote at a public meeting, by an order entered into the official Court minutes, should the plat be: (a) the result a completed Plat Application; (b) supported by a good and sufficient bond or other financial security if required by the Regulations; and (c) in all things complete, sufficient, and in compliance with all requirements prescribed by law and these Regulations, including the payment of all required fees; and
  - (2) The Commissioners Court may approve with conditions or disapprove a submitted plat by a recorded vote at a public meeting by an order entered into the official Court minutes, should: (a) the plat not comply with all requirements prescribed by law and these Regulations; (b) the required fees not be paid; (c) a delinquent ad valorem tax liability exist for the land made the subject of the proposed development; or (d) the plat not be supported by a good and sufficient bond or other financial security, if required by the Regulations.
  - (3) No sale of lots in any subdivision shall begin until the Court has approved the Final Plat and said plat has been filed with the County Clerk.

#### **ARTICLE 4 – PLAT SUFFICIENCY, EXCEPTIONS, AND VARIANCE**

- § 4.1 **Minimum Plat Standards.** In order to obtain Commissioners Court approval, pursuant to § 232.101 of the Texas Local Government Code and other authority, and for recordation in the Official Public Records (Real Property and/or Plat Records) of the County Clerk, the

plat must comply with the minimum standards described in these Regulations.

- (A) **Lawful Compliance.** Pursuant to § 232.101 of the Texas Local Government Code and other authority, the plat and all other documents submitted to the County to support a plat application and/or a request for plat approval must be truthful, accurate, correct, and prepared in compliance with all applicable requirements (including methodology and professional practice standards) of law and these Regulations, including the: statutes and regulations of the State of Texas and federal government (and the administrative agencies thereof); County's active flood damage prevention order (or other floodplain management regulations); County's and State's active sewer, septic, or OSSF orders or other wastewater regulations; Water District's rules, regulations, and plans; or other applicable land use or development authority or regulations; and the authority described in these Regulations.
- (B) **Certification, Execution/Acknowledgment, and Recordation.** Before approval by the Commissioners Court, the plat must be: (1) executed, sealed, and certified by the persons and in the manner described in these Regulations; and (2) executed and acknowledged by the record and fee simple title owner of the land of the subdivision (and specifically not the agent thereof) in the manner required for the acknowledgment of deeds. Upon approval, the plat must be filed and recorded in compliance with § 12.002 of the Texas Property Code in the plat records of the County Clerk within 30 days from plat approval, with written notice of that filing/recordation event provided by the Developer to the County Judge.
- (C) **Surveyor and Engineer Certification.** The plat prior to approval must be signed, sealed, and certified by the Developer's surveyor and engineer, and said surveyor and engineer must be currently licensed and in good standing to practice in Texas.
- (D) **Property Description, Identifying Data, and Signatures.**
- (1) **General Description.** The plat must describe the subdivision and all of its parts by a metes and bounds description made as a result of an on the ground survey and inspection, drawn to the required scale and dimensions, and including the following: (a) the subdivision boundary; (b) the internal parts of the subdivision -- including all lots, divisions of land, streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts; (c) the effective plat date; (d) a location map; (e) the required scale and dimension components; (f) a north point; and (g) all required signatures, dating, certifications, supporting documentation, and professional seals required by the Regulations.
- (2) **Additional Descriptions.** The plat must describe all identifying data required by the Regulations regarding the subdivision and its surrounding area, including: (a) the name of the subdivision and its owner; (b) any adjoining subdivisions and owners, or adjoining properties and owners; (c) all lots, divisions of land, streets, alleys, squares, parks, or other parts intended to be dedicated to public use or for the use of purchasers or owners

of lots fronting on or adjacent to said parts; (d) driveways, common areas and any areas to be used by adjacent lot owners or purchasers; (e) rights of way and easements (on, above, or below ground, including roads, bridges, and railroads) whether of record, apparent, or proposed; (f) natural drains, drainage structures or improvements whether of record, apparent, or proposed; (g) water bodies, water courses, and floodplain boundaries; (h) building and set-back lines; (i) lot frontages; and (j) restrictive covenants, restrictions, or reservations whether of record or proposed.

- (E) **Survey Data.** The plat must locate the subdivision with respect to an original corner of the original survey of which it is a part, and at least one exterior corner of the subdivision shall be defined on the plat and located by State Plane Coordinates. Boundary lines must be shown by bearings and distances, calls for the lines of established surveys, landmarks, school districts and other data furnished in a manner sufficient to locate the property described on the ground. All block corners and angles in streets and alleys should be marked by a suitable monument. The plat must contain an arrow indicating the direction of the North point of the compass, and the required scale must be prominently shown.
- (F) **Lot/Block Dimension.** The plat must state the dimensions of, and accurately but separately describe by metes and bounds, each lot, street, alley, square, park, common area, or other part of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part. Lot and block numbers must be arranged in a systematic order and shown on the plat in distinct and legible figures.
- (G) **Water/Sewer/OSSF Disclosures.**
- (1) **Public Facilities/Constructed.** Should public or organized water, sewer, septic, and/or OSSF service and facilities be proposed for the subdivision, or be intended to be constructed or installed by the Developer to service the subdivision, the plat must contain information and documents by the Developer and his engineer describing and depicting: (a) the type and location of the proposed facilities (and any roadways and easements dedicated for the provision of service) to be constructed or installed to service the subdivision, and including suitability reports, calculations, and percolation test results; (b) a statement specifying the date by which said facilities will be fully operable; and (c) documents and a statement confirming that the plat, said facilities, and the subdivision comply with the applicable requirements of the (i) minimum state standards for the proposed facilities and service, (ii) the County's and State's active sewer, septic, or OSSF orders or regulations, as applicable; (iii) County's groundwater sufficiency disclosure requirements and floodplain management regulations, and (iv) the regulations and management plan of the Water District (Irion County WCD) having territorial jurisdiction regarding water wells and related permits for the land of the subdivision.

- (2) **Private Facilities.** Should private water wells, septic, and/or OSSF facilities be proposed for the subdivision, with said facilities not to be constructed or installed by the Developer, the plat must contain information and documents (including suitability reports, calculations, and percolation test results) by the Developer and his engineer describing and depicting the: (a) type and location of the proposed facilities; and (b) documents and a statement confirming that the plat, said facilities, and the subdivision comply with the applicable requirements of the (i) minimum state standards for the proposed facilities, (ii) County's and State's water, drainage, sewer, septic, and/or OSSF regulations as applicable (iii) County's groundwater sufficiency disclosure requirements and floodplain management regulations, and (iv) the regulations and management plan of the Water District (Irion County WCD) having territorial jurisdiction regarding water wells and related permits for the land of the subdivision.
- (3) **Greywater Systems.** Any plat application which includes provisions for sewage collection, treatment, and disposal which includes greywater use or reuse must demonstrate compliance with the minimum criteria of 30 TAC Chapter 210, and any other applicable rules published by TCEQ. Any proposal for an OSSF/on-site sewage disposal system which includes provisions for greywater use or reuse must demonstrate compliance with the minimum criteria of 30 TAC Chapter 285, and any other applicable rules published by TCEQ. The disposal of sludge from water treatment and sewerage facilities must meet the criteria of 30 TAC Chapter 312 and Chapter 317, and any other applicable rules published by TCEQ.
- (H) **Drainage.** The plat must describe the provision of a reasonable drainage plan approved by the Developer's engineer for the subdivision (including all roads, streets, bridges, culverts, driveways, or common use areas located therein) in accordance with standard engineering practice, and in compliance with the reasonable drainage standards described in **Appendix/Exhibit C**, in order to efficiently manage the flow of storm water runoff in the subdivision and to coordinate subdivision drainage with the general drainage pattern for the area, including a description of: (1) the exact location, dimensions, descriptions and flow line of existing and proposed future drainage structures (including bridges or culverts); and (2) the exact location, flow-line, and floodplain of existing water courses within the subdivision.
- (I) **Topographical Description.** Regarding the topography of the area and proposed subdivision land, the proposed plat, for clarity and legibility purposes, should not contain contour lines to identify the topography; however, sufficient supporting documents must be submitted to the County as a part of the plat application to identify the topography of the area and the proposed subdivision by the use of contour lines. Those contour lines on the supporting documents must be based on: (1) a vertical interval of 5 feet for terrain with a slope of 2 percent or more; (2) a vertical interval of 2 feet for terrain with a slope of less than 2 percent; and (3) sufficient data provided by the County, or in lieu thereof, sufficient data from any governmental agency or department, the identity of which must be specified.

Those separate topography documents (but not the actual proposed plat) must indicate by the use of contour lines any changes in the existing topography proposed by the Developer and said contour lines must be based on the government data, vertical interval, and slope rates previously identified in this paragraph.

(J) **Road/Driveway, Lot Frontage, and Floodplain Description.**

- (1) **Road/Driveway.** The plat must include a description of all roads, streets, bridges, driveways, culverts, and areas of common usage (whether dedicated to public use or private in nature) in the subdivision. These descriptions and all constructed roads, streets, bridges, culverts, driveways, and common usage areas shall comply with reasonable Texas engineering standards and procedure as described in these Regulations and Appendix/Exhibit I, and comply with the drainage standards described in these Regulations and in **Appendix/Exhibit C**. Prior to any road, street, bridge, driveway, culvert, or area of common usage being constructed to connect to an existing county or state road, any such transportation infrastructure or facility and related drainage structures first shall be approved by the County.
- (2) **Road Access and Sufficiency.** The County may disapprove or approve with conditions a submitted plat pertaining to a proposed subdivision in which the plat application documents or plat show that the subdivision: (a) lacks contiguous and direct access to an existing external public road leading to or from the subdivision; (b) lacks sufficient and safe access to a properly designed, structurally adequate, and safe existing external public road leading to or from the subdivision, due to any reason, including the degree and type of road travel and traffic impact on and regarding said road anticipated to occur as a result of the subdivision development; or (c) contains a proposed or existing internal road that is not or will not be properly designed, structurally adequate, and safe, due to any reason, including the degree and type of road travel and traffic impact on and regarding said road anticipated to occur as a result of the subdivision development. Should any of the aforesaid and adverse road issues exist regarding a proposed subdivision development, the County may request the following report to be completed for County review prior to a decision regarding plat approval, at the Developer's sole or shared cost and expense, or alternatively, at the County's sole or shared cost and expense, in order to review and analyze those adverse road issues and determine whether any of those issues may impair or diminish public safety, traffic efficiency or control, or the required public resources to be expended regarding any such road made the subject of review: (a) a Texas Department of Transportation study; (b) a traffic impact study; and/or (c) an engineering study or review.
- (3) **Future Transportation Corridors.** Should the County adopt a Master Thoroughfare Plan, lots and roads shall be located in a manner to facilitate

the connection to possible future roads outside the subject subdivision. Pursuant to § 232.0033, Texas Local Government Code, if all or part of a subdivision for which a plat is required under these Regulations is located within a future transportation corridor identified in an agreement under § 201.619 of the Texas Transportation Code:

- (a) the Commissioners Court may: (i) refuse to approve the plat for recordation unless the plat states that the subdivision is located within the area of the alignment of a transportation project as shown in the final environmental decision document that is applicable to the future transportation corridor; and (ii) refuse to approve the plat for recordation if all or part of the subdivision is located within the area of the alignment of a transportation project as shown in the final environmental decision document that is applicable to the future transportation corridor; and
  - (b) each purchase contract or lease between the Developer and a purchaser or lessee of land in the subdivision must contain a conspicuous statement that the land is located within the area of the alignment of a transportation project as shown in the final environmental decision document that is applicable to the future transportation corridor.
- (4) **No Acceptance Policy.** The roads, streets, bridges, culverts, driveways, and/or land areas of common use in the subdivision (hereafter described as “those aforesaid land areas, facilities, or infrastructure”), if any, whether private or dedicated to public use, shall not be dedicated as County property -- and further, those aforesaid land areas, facilities, and infrastructure shall not be accepted by the County for County construction, operation, or maintenance. The County shall never be obligated in any way to construct, operate, repair, or maintain: (a) any of those aforesaid land areas, facilities, or infrastructure located in any subdivision; or (b) any non-County road which provides access to any subdivision. Furthermore, the approval, if any, of a subdivision plat by the County shall not be interpreted or construed as County acceptance of any of those aforesaid land areas, facilities, or infrastructure located in any subdivision. A subdivision plat must contain the following plat note regarding this matter:

**NO ACCEPTANCE POLICY: Pursuant to § 4.1(J)(2) of the Regulations, Irion County, Texas (“County”) typically practices a “no acceptance policy” with respect to roads, streets, bridges, culverts, driveways, and/or land areas of common use located in the subdivision (hereafter referred to as “those aforesaid land areas, facilities, or infrastructure”), whether those aforesaid land areas, facilities, or infrastructure are declared to be private or dedicated to public use.**

Moreover, and unless the County has determined that a specific exception to its “no acceptance policy” is warranted pursuant to § 4.1(J)(3) of the Regulations, the following is hereby declared by the County: (a) those aforesaid land areas, facilities, or infrastructure shall not be dedicated as County property, and shall not be accepted by the County for County construction, operation, or maintenance; (b) the County shall never be obligated in any way to construct, operate, repair, or maintain (i) any of those aforesaid land areas, facilities, or infrastructure located in any subdivision, or (ii) any non-County road which provides access to any subdivision. Furthermore, the approval, if any, of a subdivision plat by the County shall not be interpreted or construed as acceptance by the County of any of those aforesaid land areas, facilities, or infrastructure located in any subdivision.

- (5) **Exception Regarding No Acceptance Policy.** Notwithstanding anything to the contrary stated in these Regulations, and prior to plat approval during the plat review process, should the Commissioners Court determine (as an exception to the County’s “non-acceptance policy” stated above) that a road, street, bridge, culvert, driveway, or land area of common use which is described and dedicated to the public on the plat (hereafter described as “the aforesaid dedicated land area, facility, or infrastructure”) may be later considered by the Commissioners Court for acceptance into the County’s public road, bridge, or drainage system of operation and maintenance – then, in that event: (a) the Developer must execute prior to plat approval a good and sufficient bond for the construction and maintenance of the aforesaid dedicated facility or infrastructure unless another financial guarantee is authorized by these Regulations; (b) the bond or guarantee must be approved by the Commissioners Court to predicate plat approval; (c) the Developer must comply with the bond or other financial guarantee requirements of **Appendix/Exhibit F** attached to these Regulations, and (d) the plat certifications required for plat approval shall be revised accordingly and executed prior to plat approval.
- (6) **Lot Frontage.** The plat must include a description of all lot frontages in the subdivision. These descriptions and all lot frontages on the ground shall comply with the following standards hereby adopted and approved pursuant to §§ 232.101, 232.103, 232.107 of the Texas Local Government Code and other authority:
- (a) These Regulations are designed to provide reasonable standards for minimum lot frontages on existing county or other public roads (including lot frontages in relation to curves in a road) in compliance with accepted engineering practice and standards.
  - (b) The minimum lot frontage required for lots located on county or other public roads is 100 feet unless otherwise required by state or

federal law.

- (7) **Floodplain.** The plat must describe all land in the subdivision that is located in a floodplain, and contain a certification by the surveyor or engineer for the Developer that: (a) describes and identifies any area of the subdivision that is located in a floodplain, or in the alternative, states that no area of the subdivision is located in a floodplain; and (b) states that the plat and subdivision comply with the County's active floodplain management regulations, and the County's and State's applicable sewer, septic/OSSF or other development regulations, related to floodplain prevention, floodplain management, or flooding.
  - (8) **Developer Road Damage and Repair Provisions.** The Developer road damage and repair provisions described in **Appendix/Exhibit E** are adopted for application in these Regulations in order to protect the public road and bridge system of the County.
- (K) **Fire Suppression System.** The following subdivision fire suppression system standards, pursuant to §§ 232.101, 232.107, and 232.109 of the Texas Local Government Code, are adopted and approved regarding a subdivision that is not served by fire hydrants as part of a centralized water system certified by TCEQ as meeting minimum standards for water utility service.
- (1) **Subdivision with Fewer Than 50 Houses.** Regarding this type of subdivision, the Developer shall construct a limited fire suppression system for the subdivision with a minimum of 2,500 gallons of storage in a centralized water system, or 2,500 gallons of storage in one or more above-ground water tanks, with sufficient equipment included in the system to allow full access to the system by emergency service providers. The subdivision plat must describe and depict the location and components of this fire suppression system.
  - (2) **Subdivision of 50 or More Houses.** Regarding this type of subdivision, the Developer shall construct a limited fire suppression system for the subdivision with (a) a minimum of 2,500 gallons of storage with a centralized water system, or (b) 5,000 gallons of storage with a centralized water system, or 5,000 gallons of storage in one or more above-ground water tanks, and further, with sufficient equipment included in the system to allow full access to the system by emergency service providers. The subdivision plat must describe and depict the location and components of this fire suppression system.
  - (3) **Technical Specifications and Operational Ability.** Regarding any water storage tank used in the subdivision for a fire suppression system required by this § 4.1(K), it shall be constructed and operated in full compliance with the following requirements: (a) the tank shall be above ground and

separately or cumulatively (when considered with other tanks, if any, used on the property for fire suppression) shall hold the minimum amount of water storage required for the system; (b) be vented and made of non-metallic materials; (c) be on a foundation that will support the tank at full storage capacity; (d) be adjacent to a public road in the subdivision or other site made the subject of the plat or application; (e) the land on which the tank rests must be burdened with a public easement allowing access to the tank for purposes of the operation, maintenance, repair, replacement, and filling/draining of the tank; (f) be secured to prevent unauthorized access; (g) have attached on the tank a standard 3-inch Camlock female coupling device and other equipment (to be approved by the local volunteer fire department or other firefighting organization with territorial jurisdiction regarding the subdivision) so as to enable a responding fire truck, tanker truck, other vehicle, water storage device or container to replenish its water supply during a firefighting emergency; (h) have signage displayed (on its side visible to the roadway) indicating that it contains non-potable water to be used only for official use during firefighting activities; (i) the location of the tank must be approved by the Commissioners Court prior to plat approval; (j) the location of the tank and access easement shall be shown on the application and plat; (k) the Developer or Operator, upon installing the tank prior to initial County approval, shall fill the tank with water to its full storage capacity and demonstrate to the County that it will hold water and operate correctly for fire suppression activities; and (l) the Developer or Operator (or its successor or assignee) may not remove the tank's water except for firefighting or inspection/testing activities, and must keep the tank filled to capacity at all times.

- (4) **Inspections.** Regarding any water storage tank used in the subdivision for a fire suppression system required by this § 4.1(K), the Developer or Operator shall grant consent, through a written consent document submitted with the Plat Application, and with such consent described by a specific plat note in compliance with this § 4.1(K) regarding the following fire suppression matters, to the effect that said party: (a) consents to the placement of the fire suppression water tank and related equipment on the subdivision property; (b) consents to the inspection of the tank and equipment from time to time (estimated to occur at least twice annually for the duration of the subdivision) by the County and/or the local volunteer fire department or other firefighting organization (public or private, including the successors, assigns, or designees of any such department or organization) with territorial jurisdiction regarding the subdivision property. The Developer/Owner (or its successor or assignee) shall receive preliminary notice of any tank inspection. The County has no obligation to operate, maintain, repair, replace, or fill any such tank. Each tank must be installed, filled, and pass inspection, with written confirmation of same being presented to the County before plat approval.

(L) **Purchase Contract Disclosure.** Pursuant to § 232.003 of the Texas Local Government Code, each purchase contract between a Developer and a purchaser of land in the subdivision, and any approved subdivision plat, must contain a statement describing the extent to which water will be made available to the subdivision, and if water will be made available to the subdivision, how and when water will be made available.

(M) **Certification of Groundwater Availability.**

(1) **REQUIREMENTS FOR APPLICATIONS SUBMITTED BEFORE JANUARY 1, 2024.**

- (a) Pursuant to and in compliance with §§ 232.0032, 232.101, and 232.107 of the Texas Local Government Code, if the source of the water supply intended for the subdivision is groundwater under that land, the Plat Application and plat must have attached to it a statement that: (i) is prepared for the Developer by an engineer or geoscientist licensed to practice in Texas; and (ii) certifies that adequate groundwater is available for the subdivision pursuant to minimum state standards.
- (b) The form and content of this certification of groundwater availability shall be in compliance with all applicable rules of TCEQ as required by said § 232.0032 of the Texas Local Government Code, including without limitation: (i) the regulations contained in 30 TAC §§ 230.1-230.11; and (ii) the requirements of the Groundwater Availability Certification Form (TCEQ Form No. 20982, effective December 22, 2023 or as amended), a copy of which is attached as **Appendix/Exhibit G**. This required certification form regarding groundwater availability shall be attached to the plat application as required by § 232.0032 of the Texas Local Government Code.
- (c) Should this plat certification be required, the Developer also shall transmit to the TWDB and any Water District (Irion County WCD) that includes in the district's boundaries any part of the subdivision, as required by said §232.0032 and all applicable rules of TCEQ and TWDB, information that would be useful in: (i) performing groundwater conservation district activities; (ii) conducting regional water planning; (iii) maintaining the state's groundwater base; or (iv) conducting studies for the state related to groundwater. Prior to the approval, if any, of the plat by the Commissioners Court, the Developer shall confirm and verify in writing to the Commissioners Court that all required information pursuant to said §232.0032 and this provision (M) has been transmitted to the TWDB and an applicable Water District if herein required.

(2) **REQUIREMENTS FOR APPLICATIONS SUBMITTED ON OR AFTER JANUARY 1, 2024.**

- (a) Pursuant to and in compliance with §§ 232.0032, 232.101, and 232.107 of the Texas Local Government Code, if the source of the water supply intended for the subdivision is groundwater under that land, the Plat Application and plat must have attached to it a statement that: (i) is prepared for the Developer by an engineer or geoscientist licensed to practice in Texas; and (ii) certifies that adequate groundwater is available for the subdivision pursuant to minimum state standards.
- (b) The form and content of this certification of groundwater availability shall be in compliance with all applicable rules of TCEQ as required by § 232.0032 of the Texas Local Government Code, including without limitation: (i) the regulations contained in 30 TAC §§ 230.1-230.11; and (ii) the requirements of the Groundwater Availability Certification Form (TCEQ Form No. 20982, effective December 22, 2023 or as amended), a copy of which is attached as **Appendix/Exhibit G**. This required certification form regarding groundwater availability shall be attached to the plat application as required by § 232.0032 of the Texas Local Government Code.
- (c) Should this plat certification be required, the Developer also shall transmit to the TWDB and any Water District (Irion County WCD) that includes in the district's boundaries any part of the subdivision, as required by said §232.0032 and all applicable rules of TCEQ and TWDB, information that would be useful in: (i) performing groundwater conservation district activities; (ii) conducting regional water planning; (iii) maintaining the state's groundwater base; or (iv) conducting studies for the state related to groundwater. Prior to the approval, if any, of the plat by the Commissioners Court, the Developer shall confirm and verify in writing to the Commissioners Court that all required information pursuant to said §232.0032 and this provision (M) has been transmitted to the TWDB and an applicable Water District if herein required.
- (d) Notwithstanding anything to the contrary stated in this § 4.1 M(2), the Commissioners Court may waive -- but is not required to waive -- the requirement described by subpart (2)(a) immediately above (i.e., the requirement that a plat application must have attached to it the certification of groundwater availability document described by above subpart (2)(a) (see **Appendix/Exhibit G**) -- if:
- (i) based on credible evidence of groundwater availability in the

vicinity of the proposed subdivision, the Commissioners Court determines that sufficient groundwater is available and will continue to be available to the subdivided tract of land; and

- (ii) either:
  - (1) the entire tract proposed to be subdivided by the plat will be supplied with groundwater from the Gulf Coast Aquifer or the Carrizo-Wilcox Aquifer; or
  - (2) the proposed subdivision divides the tract into not more than 10 parts.

- (e) Notwithstanding anything to the contrary stated in the above subpart (2)(b), a person subject to a waiver authorized by said subpart (2)(b)(ii)(2) regarding a subdivided tract of land must comply with the requirements of subpart (2)(a) above if: (i) the tract is subsequently divided in a manner that results in the original tract being subdivided into more than 10 parts; or (ii) the Commissioners Court determines that the proposed subdivision is part of a series of proposed subdivisions from an original tract that collectively includes more than 10 parts.

(N) **Use of Firearms, Bows, and Arrows.** Regarding the use of firearms, bows, and arrows, in certain subdivisions, the following standards are adopted and approved pursuant to §§ 232.101 and 235.020-.045 of the Texas Local Government Code:

- (1) **Definitions.** Notwithstanding anything to the contrary stated in these Regulations: (a) this Paragraph N applies to a subdivision which is located in the unincorporated area of the county and for which a plat is required by Chapter 232 of the Texas Local Government Code and these Regulations; (b) **“air gun”** shall mean any gun that discharges a pellet, BB, or paintball by means of compressed air, gas propellant, or a spring, as defined by § 229.001 of the Texas Local Government Code; and (c) **“hunting”** shall mean to hunt (i.e., to capture, trap, take, or kill, or an attempt to capture, trap, take, or kill), as defined by § 1.101 of the Texas Parks and Wildlife Code.
- (2) **Firearm Use.** To promote public safety, the Commissioners Court hereby prohibits the discharge of firearms on lots that are 10 acres or smaller and located in the unincorporated area of the county in a subdivision; however, this regulation shall not be construed to prohibit the lawful discharge of air guns on the aforesaid lots or as otherwise allowed by law. This regulation does not authorize the Commissioners Court to regulate the transfer, ownership, possession, or transportation of firearms or air guns and does

not authorize the Commissioners Court to require the registration of firearms or air guns. Any person is entitled to appropriate injunctive relief to prevent a violation or threatened violation of this regulation from continuing or occurring. A person commits an offense if the person intentionally or knowingly engages in conduct that is a violation of this regulation. An offense under this regulation is a Class C misdemeanor. If it is shown on the trial of an offense under this regulation that the person has previously been convicted of an offense under this section, the offense is a Class B misdemeanor.

- (3) **Bow/Arrow Use.** To promote public safety, the Commissioners Court hereby prohibits hunting with bows and arrows on lots that are 10 acres or smaller and located in the unincorporated area of the county in a subdivision. This regulation does not authorize the Commissioners Court to regulate the transfer, ownership, possession, or transportation of bows and arrows and does not authorize the Commissioners Court to require the registration of bows and arrows. Any person is entitled to appropriate injunctive relief to prevent a violation or threatened violation of this regulation from continuing or occurring. A person commits an offense if the person intentionally or knowingly engages in conduct that is a violation of this regulation. An offense under this regulation is a Class C misdemeanor. If it is shown on the trial of an offense under this regulation that the person has previously been convicted of an offense under this section, the offense is a Class B misdemeanor.
- (O) **Plat Format.** The Plat Application must include a digital map that is: (1) compatible with other mapping systems used by the County and that georeferences the subdivision plat and related public infrastructure using the Texas Coordinate Systems adopted under Section 21.071 of the Texas Natural Resources Code; and (2) in a format widely used by common geographic information system software.
- (1) An exemption from this requirement shall exist if the Developer submits an acknowledged statement that said digital mapping technology necessary to submit the map was not reasonably accessible.
- (2) The plat must be prepared on mylar and drawn according to the following scale: (a) one inch to 100 feet; or (b) one inch to 200 feet. Linear dimensions shall be shown in feet and hundredths of one foot. Angle dimensions shall be shown in degrees, minutes, and seconds. Curve dimensions shall be shown through radius, arc, chord distance, and bearing.
- (3) The Developer shall provide to the County: (a) one (1) original Mylar plat, with its dimensions being 18 inches by 24 inches (to be compatible with the Plat Book in the Office of the County Clerk), including all required plat documents, signatures, and certifications (excepting the County's signatures and certifications); (b) at least six conformed clearly marked, and

readable paper copies of said plat, with their dimensions each being 11 inches by 17 inches; (c) complete paper copies of the completed plat application, original plat, and all attached or enclosed documents thereto, as herein described by number and form, which documents shall be saved, stored, and submitted to the County Clerk in a universal serial bus (or USB) flash drive data storage device; and (d) all other information and documents required by these Regulations.

- (P) **Building or Set-Back Lines.** Pursuant to Sections 232.101, 232.104, and 233.032, of the Texas Local Government Code and other authority, regarding building and set-back lines, and for the promotion of the general welfare and safety of the public: (1) the Developer shall establish a minimum 25-foot building and set-back line on the front, sides, and rear boundary lines of all lots or divided parts in the subdivision; but (2) notwithstanding anything to contrary stated in these Regulations, the Developer shall establish a minimum set-back line of 25-feet from said boundary line to the edge of any public road, or 50-feet from said boundary line to the edge of a Major Road.
- (Q) **Limitations Regarding County Construction/Maintenance Obligations.** The plat must contain the following statements as plat notes:

- (1) Relating to any public dedication on the plat:

**FOR ANY LAND, ROAD, EASEMENT, IMPROVEMENT, FACILITY, OR OTHER PROPERTY DEDICATED FOR PUBLIC USE ON THIS PLAT, AND UPON APPROVAL, IF ANY, OF THIS PLAT BY THE IRION COUNTY COMMISSIONERS COURT, IRION COUNTY EXPRESSLY DOES NOT ACCEPT FOR CONSTRUCTION OR MAINTENANCE PURPOSES SAID DEDICATED PROPERTY. UPON PLAT APPROVAL, THE CONSTRUCTION OR MAINTENANCE OF SAID PROPERTY SHALL REMAIN THE RESPONSIBILITY OF ITS OWNER, IN ACCORDANCE WITH THE PROVISIONS OF THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR IRION COUNTY, TEXAS.**

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

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

- (R) **Owner/Developer Signature and Disclosure.** Upon plat approval, the Owner/Developer

shall: (1) sign and date the plat and all required or attached documents; (2) acknowledge the plat as required for the acknowledgment of deeds; and (3) attest by affidavit to the veracity and completeness of the plat matters and attached documents by stating the following on the plat:

**THIS PLAT, INCLUDING ALL ATTACHED DOCUMENTS AND PLAT NOTES ARE IN COMPLIANCE WITH THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR IRION COUNTY, TEXAS. THE REPRESENTATIONS ON THIS PLAT, INCLUDING ALL ATTACHED DOCUMENTS AND PLAT NOTES ARE TRUE AND CORRECT. THE OWNER/DEVELOPER SHALL COMPLY WITH SAID REGULATIONS. ALL PUBLICLY DEDICATED LAND, ROADS, EASEMENTS, IMPROVEMENTS, FACILITIES, OR OTHER PROPERTY DESCRIBED ON THIS PLAT ARE HEREBY DEDICATED TO THE USE AND BENEFIT OF THE PUBLIC FOREVER.**

- (S) **Lien Subordination Disclosure.** The plat upon approval shall contain statements, signed and acknowledged by the Developer and any lienholder (current addresses shown), which shall certify lienholder consent and lien subordination to all public dedications.
- (T) **Surveyor Signature/Disclosure.** The plat shall contain a signature, seal, certification, and date by the surveyor for the Developer which states the following:

**I CERTIFY THE FOLLOWING: (1) THIS PLAT, INCLUDING ALL ATTACHED DOCUMENTS AND PLAT NOTES REPRESENT A TRUE AND ACCURATE SURVEY ON THE GROUND MADE BY ME OF THE SUBDIVISION IDENTIFIED; (2) ALL REQUIRED SURVEY MONUMENTS ARE CORRECTLY SHOWN ON THIS PLAT; (3) ALL EXISTING EASEMENTS AND RIGHTS OF WAY ARE SHOWN ON THIS PLAT ACCORDING TO DOCUMENTS OF RECORD OR APPARENT CIRCUMSTANCES OBSERVED ON THE LAND; (4) THE PERIMETER FIELD NOTES ARE ACCURATELY TIED TO AN ORIGINAL CORNER OF THE ORIGINAL SURVEY; (5) THIS PLAT AND ALL ATTACHED DOCUMENTS AND PLAT NOTES COMPLY WITH ALL SURVEYING AND PLAT DRAFTING REQUIREMENTS OF THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR IRION COUNTY, TEXAS; AND (6) ALL SURVEYING REPRESENTATIONS ON THIS PLAT ARE IN COMPLIANCE WITH THE CURRENT PROFESSIONAL STANDARDS OF REGISTERED AND LICENSED PROFESSIONAL LAND SURVEYING PRACTICE IN THE STATE OF TEXAS.**

- (U) **Developer Engineer Signature/Disclosure.** When engineering services relating to these Regulations are performed by the Developer's engineer, the plat upon approval must contain a signature, seal, certification, and date by the registered professional engineer for the Developer which states the following:

**I CERTIFY THE FOLLOWING: (1) THIS PLAT AND ALL ATTACHED DOCUMENTS AND PLAT NOTES REGARDING THE SUBDIVISION IDENTIFIED SATISFY ALL REQUIREMENTS OF THE SUBDIVISION**

AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR IRION COUNTY, TEXAS; AND (2) ALL ENGINEERING OR DESIGN REPRESENTATIONS ON THIS PLAT AND ALL ATTACHED DOCUMENTS AND PLAT NOTES ARE IN COMPLIANCE WITH THE CURRENT PROFESSIONAL STANDARDS OF REGISTERED AND LICENSED PROFESSIONAL ENGINEERING PRACTICE IN TEXAS.

- (V) **Commissioners Court Approval.** The plat upon approval must contain a signature, certification, and acknowledgment by the County Judge, as hereafter stated:

I CERTIFY THE FOLLOWING: (1) THIS PLAT WAS APPROVED ON \_\_\_\_\_ BY THE COMMISSIONERS COURT OF IRION COUNTY, TEXAS IN ACCORDANCE WITH CHAPTER 232 OF THE TEXAS LOCAL GOVERNMENT CODE, CHAPTER 551 OF THE TEXAS GOVERNMENT CODE (THE TEXAS OPEN MEETINGS ACT), AND OTHER AUTHORITY; AND (2) THIS PLAT IS AUTHORIZED FOR FILING AND RECORDING WITH THE COUNTY CLERK OF IRION COUNTY, TEXAS PURSUANT TO THE SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS FOR IRION COUNTY, TEXAS.

\_\_\_\_\_  
NAME (TYPE NAME): \_\_\_\_\_  
COUNTY JUDGE, IRION COUNTY, TEXAS

**ATTEST:**

\_\_\_\_\_  
NAME (TYPE NAME): \_\_\_\_\_  
DISTRICT AND COUNTY CLERK, IRION COUNTY, TEXAS

**COMMISSIONERS COURT SEAL**

- (W) **County Engineer Approval.** If reviewed by a Texas registered professional and licensed engineer engaged by the County for plat review and consultation, and if the proposed subdivision and plat are in compliance with these Regulations, to obtain County approval, said engineer must sign and seal the plat, and state on said plat the following:

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

- (X) **County Clerk Certification.** The County Clerk must: (1) attest and certify the signature of the County Judge on the approved plat; and (2) show on the plat the date of the

Commissioners Court action which approved the plat and authorized its filing. The County Clerk's plat authorization certificate (or recording acknowledgment) shall state as follows:

**THIS PLAT OF THE IDENTIFIED \_\_\_\_\_ SUBDIVISION LOCATED IN IRION COUNTY, TEXAS WAS APPROVED BY THE COMMISSIONERS COURT OF IRION COUNTY, TEXAS, ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_, AT ITS PUBLIC MEETING.**

**THIS PLAT OF THE IDENTIFIED SUBDIVISION WAS FILED FOR RECORD ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ AT \_\_\_\_\_ O'CLOCK \_\_.M., AND RECORDED ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ AT \_\_\_\_\_ O'CLOCK \_\_.M., IN THE PLAT RECORDS OF IRION COUNTY, TEXAS MAINTAINED BY MY OFFICE, PURSUANT TO INSTRUMENT NO. \_\_\_\_\_ THEREIN.**

\_\_\_\_\_  
**NAME (TYPE NAME): \_\_\_\_\_  
 DISTRICT AND COUNTY CLERK, IRION COUNTY, TEXAS**

**DISTRICT AND COUNTY CLERK SEAL**

When the plat is filed and recorded in the Office of the County Clerk, said clerk must conspicuously mark and record the plat in the plat records or other official public records of said office, noting on the plat and the internal records of said office the date and time of filing, and the volume/book and page of the record where the plat was recorded. Upon "approval" of the plat by the Commissioners Court, the County Clerk shall not in any way mark, record, recite, or describe the plat as "accepted" by the Commissioners Court. Pursuant to these Regulations, it shall be expressly understood that "acceptance" of the plat (and/or the land, roads, easements, improvements, or other property, facilities, or infrastructure dedicated to the public on the plat), can only occur, if ever, by a subsequent, separate acceptance order being enacted and approved by the Commissioners Court at a public meeting in compliance with the Regulations.

- (Y) **Additional Plat Certifications.** The following additional certifications, in language deemed sufficient by the certifying entity, shall appear on the plat: (1) the Water District (Irion County WCD) having territorial jurisdiction regarding water wells and related permits for the land of the subdivision, shall certify on the plat that all lot owners in the subdivision shall comply with the permitting, registration, use, spacing, and pumping requirements of said district; (2) the applicable electric and gas utility service providers for the subdivision shall certify on the plat that (a) electric and gas utility service is currently available to all lots of the subdivision, or can be made available in the future to all lots in the subdivision, subject to proper application, permitting, infrastructure, and/or utility easement acquisition, and (b) the easements shown on the plat are of sufficient nature, shape, and size to accommodate utility service to all lots in the subdivision; and (3) the wastewater, sewer, and septic/OSSF facilities shown on the plat or intended for the subdivision shall be certified by the Developer, the Developer's engineer, and, as applicable, the County's and State's wastewater, sewer, and septic/OSSF regulation officer (or agent or designee) as being in all things compliant with minimum state standards as

herein required.

- (Z) **Reserve Strips Prohibited.** There shall be no reserve strips (i.e., negative easements) in the subdivision (by plat, deed, or other instrument) controlling the access to land dedicated or intended to be dedicated for public use, controlling access to any portion of the subdivision, or controlling access to any adjacent land.
- (AA) **Developer Participation Contracts.** Pursuant to § 232.105 of the Texas Local Government Code and other authority, the County hereby adopts and approves its authority to make, but not its obligation to make, Developer participation contracts with a Developer of a subdivision or land in the unincorporated area of Irion County, Texas to construct public improvements, but not including a building, related to the development. Such contracts, if any, shall be made and implemented using the lawful authority, discretion, and best business judgment of the Commissioners Court, and in the manner and procedure authorized by the aforesaid statute. The County reserves the right not to make a proposed Developer participation contract should the discretion and best business judgment of the Commissioners Court indicate that the making and implementation of such a contract would not be in the County's best public interests.
- (BB) **Utility Connection Requirements.** The utility connection requirements authorized by §§ 232.029, 232.101 and 232.106-.107 of the Texas Local Government Code and other authority are adopted and approved for application and use in these Regulations and subdivision platting, as described in the attached **Appendix/Exhibit H**.
- (CC) **Non-MHRC Development Compliance.** Development projects in the unincorporated area of Irion County, Texas which do not qualify for regulation as MHRC development pursuant to these Regulations (such as trailer parks, RV parks, Tiny Home sites, and Man Camps) -- but do qualify for regulation as subdivision development projects under these Regulations -- will be regulated by the County as subdivisions pursuant to these Regulations. Pursuant to § 232.101 of the Texas Local Government Code and other authority, in addition to compliance with the provisions and related standards herein described, the non-MHRC development projects which qualify for regulation as subdivisions under these Regulations also shall comply with the applicable, additional provisions and standards described in the **Appendix/Exhibit J**.

#### § 4.2 **Plat Exceptions (or Exemptions).**

- (A) **Exception Types and Post-Exception Application.**
  - (1) **Statutory Exceptions.** The plat exceptions (or exemptions) described in § 232.0015 of the Texas Local Government Code are adopted and approved for use and application in the Regulations. The County shall not require the Developer of a tract of land located outside the limits of a municipality to have a plat prepared or approved if one or more of the plat exceptions described in § 232.0015 exist.

- (2) **No Local Exceptions.** § 232.0015(a) of the Texas Local Government Code in part states that a county need not require platting for every division of land otherwise within the scope of Subchapter A of Chapter 232. No local exceptions are hereby adopted for use and application in these Regulations at this time -- except as described in: **Appendix Exhibit J, Item (4)**; and the following subsection (B) regarding the discretionary application of § 232.010 of the Texas Local Government Code.
- (3) **Post-Exception Application.** Notwithstanding anything to the contrary stated in these Regulations, after a lawful exception is recognized and used pursuant to this § 4.2, and should any lot or parcel thereafter be sold, conveyed, given, granted, or otherwise transferred to an individual or entity that does not meet one or more of the exceptions herein described, if any, the platting requirements of these Regulations shall apply.
- (B) **Previously Platted Lots.** Pursuant to § 232.010 of the Texas Local Government Code and notwithstanding anything to the contrary stated in these Regulations, the conveyance of portions of one or more previously platted lots by metes and bounds description may be authorized by the Commissioners Court to occur without revising the approved and recorded plat if: (1) the conveyance does not violate, alter, amend, diminish, or remove, any recorded covenants, restrictions, or vested property rights; and (2) a variance is obtained pursuant to these Regulations.
- (C) **911 Emergency Service Addressing.** Should a plat not be required by these Regulations, the Developer is requested to submit (at no charge to the Developer) the location of the development project to the following public office in order to confirm correct information for 911 and emergency service addressing purposes: the Office of the County Clerk at the notice address described in § 3.1 of these Regulations.

#### § 4.3 Variances.

- (A) **Procedure.** These provisions apply to variance (also referred to as “waiver”) requests by a Developer seeking: (1) plat approval regarding proposed subdivision development; or (2) MHRC and related infrastructure development plan approval. The variance, if granted, must be the result of the Commissioners Court acting pursuant to a recorded vote at a public meeting.
- (B) **Application.** A Developer may request a variance from the County regarding these Regulations through the timely submission of a written variance request to the County Clerk at the notice address described in § 1.3. Regarding a variance sought from the County’s subdivision regulations, the variance request must be submitted with the Subdivision Plat Application as described in **Appendix/Exhibit A**, and a variance application fee of \$250.00 (being the grand total of the fee required, whether one or more variances are requested) must be paid to the County for all subdivision variances requested as described in **Appendix/Exhibit D**. Regarding a variance sought from the County’s MHRC regulations, the variance request must be submitted with the MHRC Application

as described in **Appendix/Exhibit B**.

- (C) **Prohibition.** The Commissioners Court may not grant a variance regarding: (1) the necessity of an approved plat or MHRC development plan if required by the Regulations; (2) a required bond or other financial security; (3) the payment of fees -- unless, in the sole discretion and best business judgment of the Commissioners Court, the payment of fees should not be required and a variance may granted because (a) the applicant is a State, federal or other unit of government, or a non-profit entity, or (b) the application constitutes a request for a plat application revision or supplement (prior to plat approval), or constitutes a request for plat cancellation, revision, or amendment (subsequent to plat approval), and in either event, all prior fees were properly and timely paid to the County; or (4) a variance which violates the variance standards hereafter described. Pecuniary hardship standing alone does not constitute an undue hardship or special circumstance to support a variance.
- (D) **Standards.** A variance to these Regulations may be granted by the Commissioners Court, when the submitted evidence and the attendant circumstances establish, in the sole discretion and best business judgment of the Commissioners Court, the following:
- (1) a special circumstance must exist which, if these Regulations are strictly enforced, will deprive the Developer of a privilege, use, or safety enjoyed by similarly situated property owners or developers with similarly timed development of the same nature and scope;
  - (2) the variance will constitute only a minimum departure from the Regulations, and will not constitute a violation of state or federal law;
  - (3) the variance will not create a special privilege, use, or safety for the Developer that is not enjoyed by similarly situated property or developers with similarly timed development of the same nature or scope;
  - (4) the variance must be based on the general intent of the Regulations and deemed to be in the public interest;
  - (5) the variance must not prevent or impair the safe, healthy, or orderly development of other land in the area in accordance with the Regulations; and
  - (6) an ad valorem tax delinquency must not exist regarding the land made the subject of the proposed development.

**§ 4.4 Plat Cancellation, Revision, and Amendment.** The County adopts the: (a) plat cancellation requirements of §§ 232.008 (general cancellation) and 232.0083 (obsolete plat cancellation), Texas Local Government Code; (b) plat revision requirements of § 232.009 of said code; (c) plat amendment requirements of § 232.011 of said code; and (d) dormant plat requirements of § 232.002 of said code.

**ARTICLE 5 – MANUFACTURED RENTAL HOME COMMUNITY  
REGULATIONS AND FEE SCHEDULE**

- § 5.1 **Manufactured Home Rental Community Regulations.** Pursuant to § 232.007, Texas Local Government Code, the Commissioners Court approves and adopts the following regulations for Manufactured Home Rental Communities located in the unincorporated area of the county.
- (A) **Application.** The County’s Manufactured Home Rental Community Application Form is described in **Appendix/Exhibit B**. It shall be provided at no cost to the public at the office of the County Clerk, at the notice address described in § 1.3 of these Regulations. The MHRC Application form describes all required documents for submission by the Developer to the County of a completed MHRC application.
- (B) **Completed Application.** A completed MHRC application shall constitute: (1) the fully completed and executed application; (2) the one original required and executed infrastructure development plan (“plan”), drawn on paper, with its dimensions being 11 inches by 17 inches (to be compatible with the recording requirements in the Official Public Records of the Office of the County Clerk), including all required plan documents; (3) at least six conformed clearly marked, and readable paper copies of said plan, with their dimensions each being 11 inches by 17 inches; (4) all other information and documents required by these Regulations; (5) written evidence (in the form of a tax certificate or other tax entity issued document) showing that an ad valorem tax liability does not exist on the land made the subject of the MHRC development project; and (6) complete paper copies of the completed plan and all attached or enclosed documents thereto, as herein described by number and form, which copied documents shall be saved, stored, and submitted to the County Clerk in a universal serial bus (or USB) flash drive data storage device.
- (C) **Infrastructure Development Plan.** Construction and occupancy of a proposed MHRC may not begin before the plan has been approved by the County, as follows:
- (1) **Drainage.** The plan shall: (a) provide adequate drainage for the MHRC, including all streets or roads therein, in accordance with standard engineering practices as described in these Regulations for Subdivisions; (b) specify necessary drainage culverts and other drainage facilities for the MHRC; and (c) identify all areas of the MHRC located in the floodplain, if any. Drainage requirements for the MHRC shall comply with the drainage standards described for subdivisions in the Regulations and **Appendix/Exhibit C**.
- (2) **Water.** The plan shall describe: (a) the provision of an adequate public or community drinking water supply to the MHRC in accordance with minimum state standards and **Appendix/Exhibit B**; and (b) the location of all facilities and supply lines for said water supply in accordance Subchapter C, Chapter 341, Texas Health and Safety Code.

- (3) **Sewer, Septic, OSSF.** The plan shall describe and specify the provision of access of the MHRC to sanitary sewer or septic facilities and lines (including OSSF), in accordance with minimum state standards and **Appendix/Exhibit B**, and including: (a) providing and identifying the location of all sanitary sewer facilities and lines; (b) providing and identifying adequate sewer, septic, or OSSF facilities and lines in accordance with these Regulations and Chapter 366, Texas Health and Safety Code.
- (4) **Survey.** The plan shall contain a land survey of the MHRC performed by a Texas registered professional land surveyor (on the ground), and shall identify: (a) the proposed MHRC boundaries, and any significant features located therein; (b) the proposed location of all spaces, lots, or other parts of the MHRC; (c) the proposed or existing utility, road, and drainage easements; and (d) the dedications of easements and rights-of-way, if any.
- (5) **Roads.** The plan shall identify and describe all roads in the MHRC. Those roads shall be designed and constructed to comply with following standards, and to provide ingress and egress for fire and emergency vehicles: as described in the Regulations and **Appendix/Exhibit I** for subdivisions.
- (6) **Lawful Compliance.** The plan and all other documents submitted to the County to support an MHRC application and request for plan approval must be truthful, accurate, correct, and prepared in compliance with all applicable requirements (including methodology and professional practice standards) of law and these Regulations, including the: (a) statutes and regulations of the State of Texas and federal government (and the administrative agencies thereof); (b) County's and State's active flood damage prevention order (or other floodplain management regulations); (c) County's and State's sewer, septic, OSSF or other wastewater regulations, as applicable; (d) regulations of the Water District (Irion County WCD) having territorial jurisdiction regarding water wells and related permits for the land of the MHRC, including compliance with the permitting, registration, use, spacing, and pumping requirements of said district; (e) the electric, water, and gas utility service provider regulations or requirements for the MHRC, with the inclusion of a provider certification on the plan showing that electric, water, and gas utility service will be available to all lots or spaces in the MHRC; (f) minimum state standards for water and wastewater service to all lots or spaces in the MHRC; and (g) other applicable land use or development authority or regulations.
- (D) **Signature and Completeness.** The Owner/Developer shall request in writing to the County Clerk a meeting with the County Judge at least fifteen (15) days prior to submission of an MHRC application and plan to the County Clerk, in order to allow the County (through its designee, the County Judge) to conduct a visual inspection of the property, review the Owner/Developer's intentions, establish any special requirements for

the application and plan, and to discuss the application and approval process. The MHRC application and proposed plan shall be: (1) signed, dated, approved, and acknowledged by the Owner/Developer (and not the agent thereof); and (2) signed, dated, approved, and stamped by the Owner's/Developer's engineer and surveyor. The MHRC application and plan are considered complete when all applicable documents or other information required by the Regulations is received by the County.

- (E) **Submission and Fees.** The original and 2 copies of the MHRC application and proposed plan (both being fully executed, complete, and in compliance with the Regulations), with payment for all required fees (if any) and with written evidence (in the form of a tax certificate or other tax entity issued document) showing that an ad valorem tax liability does not exist on the land made the subject of the MHRC development project, shall be submitted by the Developer to the County Clerk (at the address for said clerk described in § 1.3), for review and decision by the County Judge (the County's designee).
- (F) **County Review.** The County (through its designee, the County Judge) shall review the plan and thereafter shall approve or reject the plan in writing pursuant to the procedures described in § 232.007 of the Texas Government Code. The County may deny the MHRC and its proposed plan if: (1) the plan does not comply with these Regulations; (2) the required fees, if any, are not paid; or (3) a delinquent ad valorem tax liability exists for the land made the subject of the MHRC. If the plan is approved, all infrastructure and development of the MHRC must be constructed in compliance with the plan. If the plan is rejected, the written rejection shall specify the reasons for the rejection. If the plan is approved, the County designee (the County Judge) shall so certify on the plan, and shall acknowledge the plan. The approved original plan shall be filed and recorded in the Official Public Records of the County Clerk within 30 days from plan approval, with written notice of that filing/recording event provided by the Developer to the County Judge.
- (G) **Construction and Occupancy.** Construction of the MHRC may not begin (and the MHRC may not be occupied by tenants or lessees) before the date the plan is approved by the County. The County may require inspection of the infrastructure during or on completion of construction. If the inspector determines that the infrastructure complies with the plan, the County shall issue the MHRC Certificate of Compliance in accordance with § 232.007 of the Texas Local Government Code.
- (H) **Utility Service.** A utility may not provide utility services (including water, sewer, gas, and electric services) to an MHRC subject to an approved infrastructure development plan, or to a manufactured home in the MHRC, unless the owner provides the utility with a copy of the MHRC Certificate of Compliance issued by the County. As used in this paragraph, "utility" means: (1) a municipality that provides utility services; (2) a municipality owned or municipally operated utility that provides utility services; (3) a public utility that provides utility services; (4) a nonprofit water supply or sewer corporation organized and operating under Chapter 67 of the Texas Water Code, that provides utility services; (5) a county that provides utility services; (6) a special district or authority created by state law that provides utility services; or (7) other utility described in the Regulations.

- (I) **MHRC Variance.** The Commissioners Court may grant a variance (also called “waiver”) from these MHRC standards and requirements pursuant to the variance procedures described in § 4.3 of the Regulations.
- § 5.2 **Fee Schedule.** A reasonable fee schedule is adopted and approved for subdivision and MHRC development (including variances) as described in **Appendix/Exhibit D**.

### **ARTICLE 6 – ENFORCEMENT AND INSPECTION**

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

**[END OF REGULATIONS]**



**APPENDIX:**

**SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY  
REGULATIONS FOR IRION COUNTY, TEXAS**

Effective Date: \_\_\_\_\_, 2025

**EXHIBIT A:**

**IRION COUNTY, TEXAS -- SUBDIVISION PLAT APPLICATION**

**PROPOSED SUBDIVISION NAME:** \_\_\_\_\_

**COMMISSIONER PRECINCT:** \_\_\_\_\_

**SCHOOL DISTRICT(S) IDENTIFIED:** \_\_\_\_\_

**TRACT SIZE AND LOCATION:** \_\_\_\_\_

**TOTAL LOTS, PARTS, SPACES, OR DIVISIONS:** \_\_\_\_\_

**NAME OF NEAREST PUBLIC ROAD:** \_\_\_\_\_

**WATER AND SEWER SERVICE PROVIDERS:** \_\_\_\_\_

**ELECTRIC SERVICE PROVIDER:** \_\_\_\_\_

**GAS SERVICE PROVIDER:** \_\_\_\_\_

**OWNER/DEVELOPER OF LAND:** \_\_\_\_\_

Address: \_\_\_\_\_

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

Telephones (Office and Mobile): \_\_\_\_\_

**ENGINEER:** \_\_\_\_\_

Address: \_\_\_\_\_

Contact Name & E-mail: \_\_\_\_\_

Telephone (Office and Mobile): \_\_\_\_\_

**SURVEYOR:** \_\_\_\_\_

Address: \_\_\_\_\_

Contact Name & E-mail: \_\_\_\_\_

Telephone (Office and Mobile): \_\_\_\_\_

**APPLICANT (IF DIFFERENT THAN DEVELOPER):** \_\_\_\_\_

Address: \_\_\_\_\_

Contact Name & E-mail: \_\_\_\_\_

Telephone (Office and Mobile): \_\_\_\_\_

(1) Regarding a proposed subdivision plat, the following documents are required to be submitted to Irion County (“County”) for review with this Subdivision Plat Application (“Application”): all of the documents required for subdivision plats by the active **Subdivision and Manufactured Home Rental Community Regulations for Irion County, Texas** (“Regulations”), in the form, type, and number therein described, said documents being described in the attached **Document List for Subdivision Plat Application**. Please attach all required documents to this Application and add additional sheets, if necessary.

(2) You must timely submit this Application and all required documents to the Office of the County Clerk (a combined public office as allowed by law) of Irion County, Texas, as described in the Regulations, with her current: (a) mailing address being P.O. Box 270, Mertzon, Texas 76941 (for mailed submissions); and (b) business office address being at the Irion County Courthouse, 209 North Park View Street, Mertzon, Texas 76941 (telephone 325-835-2421) (for courier or hand-delivery submissions).

(3) Is any part of the proposed development within the limits or extraterritorial jurisdiction of a municipality? ANSWER: \_\_\_YES \_\_\_NO. If YES, identify the municipality on the attached documents.

(4) Is the Developer requesting a variance from the Commissioners Court? ANSWER: \_\_\_YES \_\_\_NO. If YES, identify and describe your variance request and attach documents to support the request: \_\_\_\_\_

(5) Will any land, improvements, roads, streets, easements, 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 one or more private water wells or septic/OSSF systems? ANSWER: \_\_\_YES \_\_\_NO. If YES, identify each and attach all reports, plans, drawings, and specifications related to those improvements, infrastructure, or facilities: \_\_\_\_\_

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

\_\_\_\_\_.

(9) Is the proposed development located in a floodplain, as defined by the Regulations? ANSWER: \_\_\_\_ YES; \_\_\_\_ NO. If YES, identify all floodplain areas in which all or a part of the proposed development is located:

\_\_\_\_\_.

(10) Have you paid all fees required by the County or other government or private entity for the proposed development? ANSWER: \_\_\_\_ YES; \_\_\_\_ NO. If NO, please explain:

\_\_\_\_\_.

(11) Does a delinquent tax liability or tax lien exist on the real property made the subject of the proposed development? ANSWER: \_\_\_\_ YES; \_\_\_\_ NO. If YES, please identify those matters and attach documents from the appropriate governmental taxing entity describing the tax delinquency or lien: \_\_\_\_\_.

If NO, attach documents (e.g., tax certificate(s)) from the appropriate governmental taxing entities showing that no tax delinquency exists on the real property made the subject of the proposed development: \_\_\_\_\_.

(12) Identify the signatory Applicant below (if a different business entity or person than the above described Owner/Developer of the real property made the subject of the proposed subdivision development) by providing: (a) the Applicant's name, address, and contact representative (with telephone numbers [office and mobile] and e-mail address); and (b) an explanation of the existing business, agency, or other relationship, and supporting documents, which authorize Applicant to execute this instrument on behalf of the Owner/Developer regarding the proposed subdivision: \_\_\_\_\_.

**THE APPLICANT NAMED BELOW HEREBY CERTIFIES AND STATES THE FOLLOWING:**

I have read the active Subdivision and Manufactured Home Rental Community Regulations for Irion County, Texas. All documents required by the Regulations for the proposed subdivision plat have been prepared by me or on my behalf and are attached to this Application, including full payment to the County, by cashier's check or money order, for all required fees.

Applicant Name: \_\_\_\_\_

By: \_\_\_\_\_

Applicant Representative

Printed Name: \_\_\_\_\_; Title: \_\_\_\_\_

Date: \_\_\_\_\_, 20\_\_\_\_

**RECEIPT BY COUNTY:****RECEIVED BY:** \_\_\_\_\_

Printed Name: \_\_\_\_\_; Title: \_\_\_\_\_

Irion County, Texas

Date: \_\_\_\_\_, 20\_\_\_\_

**DOCUMENT LIST FOR SUBMISSION WITH SUBDIVISION PLAT APPLICATION**

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

- (1) \_\_\_\_\_ a complete and executed Plat Application in compliance with the Regulations, with all required documents and payment of fees (Regulations §§ 3.1-.2, 4.1(A)-(CC), 4.3, Appendix/Exhibits A, C-J);
- (2) \_\_\_\_\_ a proposed subdivision plat which is fully executed, certified, and acknowledged by the proper parties designated in the Regulations -- but excluding from compliance at Plat Application submission the following matters: (i) the signatures, acknowledgements, and/or certifications of the County Judge, County Clerk, and County consulting engineer, and (ii) the filing or recordation of the plat (Regulations §§ 3.1-.2, 4.1(A)-(CC), 4.3, Appendix/Exhibits A, C-J);
- (3) \_\_\_\_\_ a proposed subdivision plat and all supporting documents describing and demonstrating compliance § 4.1(A)-(U),(Y)-(CC) of the Regulations regarding required plat formatting and other information, including without limitation: property description, identifying data, and signatures; survey data; metes and bounds descriptions; lot, block, and other part dimensions; water, sewer, and OSSF facility and service disclosures; drainage plan; topographical descriptions with contour lines; road, driveway, lot, frontage, and floodplain descriptions; fire suppression system descriptions; limitations regarding the use of firearms, bows, and arrows in certain subdivisions; utility connection requirements; purchase contract disclosure; groundwater sufficiency disclosure; building and set-back lines; limitations re County construction/maintenance obligations; lien subordination; plat execution and certifications; non-MHRC development compliance; variances; (Regulations §§ 3.1-.2, 4.1(A)-(Z), 4.3, Appendix/Exhibits A, C-J);
- (4) \_\_\_\_\_ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with § 4.1(L) of the Regulations regarding the purchase contract disclosure obligation of the Developer regarding water availability and implementation (Regulations §§ 3.1-.2, 4.1(A)-(CC), 4.3, Appendix/Exhibits A, C-J);
- (5) \_\_\_\_\_ a proposed subdivision plat and all supporting documents describing and demonstrating compliance of the Regulations regarding the required groundwater

sufficiency disclosure statement (by an engineer or geoscientist licensed to practice in Texas), said statement authorized by § 232.0032 of the Texas Local Government Code, when the source of the water supply intended for the subdivision is groundwater under that land (Regulations §§ 3.1-.2, 4.1(A)-(CC), 4.3, Appendix/Exhibits A-J);

- (6) \_\_\_\_\_ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the express limitations and related, mandatory plat certification requirements stated in the Regulations, including without limitation the provisions regarding the County's construction and maintenance obligations, if any, regarding any land, road, easement, improvement, facility, or other property (i) dedicated to public use on the plat, or (ii) private property described on the plat (Regulations §§ 3.1-.2, 4.1(A)-(CC), 4.3, Appendix/Exhibits A, A-J);
- (7) \_\_\_\_\_ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the minimum standards described in the Regulations, including: (i) compliance with federal, state, and local law requirements, including without limitation compliance with minimum state standards regarding water, sewer, septic, OSSF facilities and service; (ii) compliance with specific property description, identifying data, and signature requirements; (iii) compliance with specific survey data requirements; (iv) compliance with specific lot and block dimension requirements; (v) compliance with specific water, groundwater, sewer, and OSSF disclosure requirements, including compliance with applicable water, drainage, septic, OSSF, and floodplain management regulations; (vi) compliance regarding a reasonable drainage plan for the subdivision; (vii) compliance with specific topographical description requirements; (viii) compliance with specific road/driveway, lot frontage, and floodplain management requirements; and (ix) compliance with specific fire suppression system requirements and restrictions on use of firearms and bows in certain subdivisions (Regulations §§ 3.1-.2, 4.1(A)-(CC), 4.3, Appendix/Exhibits A, C-J);
- (8) \_\_\_\_\_ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the Regulations regarding the bond or other financial security requirements for certain proposed improvements in the subdivision (Regulations §§ 3.1-.2, 4.1(A)-(CC), 4.3, Appendix/Exhibits A, C-J);
- (9) \_\_\_\_\_ a tax certificate or other sufficient documentation from the appropriate governmental taxing entities showing that no tax delinquency exists on the real property made the subject of the proposed subdivision development (Regulations §§ 3.1-.2, 4.1(A)-(CC), 4.3, Appendix/Exhibits A, C-J); and
- (10) \_\_\_\_\_ documents showing payment of all fees to the County, as required by the Regulations (Regulations §§ 3.1-.2, 4.1(A)-(CC), 4.3, Appendix/Exhibits A, C-J).

**EXHIBIT B:****IRION COUNTY, TEXAS -- MANUFACTURED HOME  
RENTAL COMMUNITY ("MHRC") APPLICATION FORM****PROPOSED MHRC:** \_\_\_\_\_**COMMISSIONER PRECINCT:** \_\_\_\_\_**SCHOOL DISTRICT(S) IDENTIFIED:** \_\_\_\_\_**TRACT SIZE AND LOCATION:** \_\_\_\_\_**TOTAL LOTS, PARTS, SPACES, OR DIVISIONS:** \_\_\_\_\_**NAME OF NEAREST PUBLIC ROAD:** \_\_\_\_\_**WATER AND SEWER SERVICE  
PROVIDERS:** \_\_\_\_\_**ELECTRIC SERVICE PROVIDER:** \_\_\_\_\_**GAS SERVICE PROVIDER:** \_\_\_\_\_**OWNER/DEVELOPER OF LAND:** \_\_\_\_\_

Address: \_\_\_\_\_

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

Telephones (Office and Mobile): \_\_\_\_\_

**OPERATOR OF MHRC (If different than Owner/Developer):** \_\_\_\_\_

Address: \_\_\_\_\_

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

Telephones (Office and Mobile): \_\_\_\_\_

**ENGINEER:** \_\_\_\_\_

Address: \_\_\_\_\_

Contact Name &amp; E-mail: \_\_\_\_\_

Telephone (Office and Mobile): \_\_\_\_\_

**SURVEYOR:** \_\_\_\_\_

Address: \_\_\_\_\_

Contact Name & E-mail: \_\_\_\_\_

Telephone (Office and Mobile): \_\_\_\_\_

**APPLICANT (If different than Owner/Developer or Operator):** \_\_\_\_\_

Address: \_\_\_\_\_

Contact Name & E-mail: \_\_\_\_\_

Telephone (Office and Mobile): \_\_\_\_\_

(1) Regarding a proposed MHRC, the following documents are required to be submitted to Irion County ("County") for review with this Application: all documents required for an MHRC by the active **Subdivision and Manufactured Home Rental Community Regulations for Irion County, Texas** ("Regulations"), in the form, type, and number therein described, and said documents being described in the attached **Document List for MHRC Application**. Please attach all required documents to this Application and add additional sheets, if necessary.

(2) You must timely submit this Application and all required documents to the Office of the County Clerk (a combined public office as allowed by law) of Irion County, Texas, as described in the Regulations, with her current: (a) mailing address being P.O. Box 270, Mertzon, Texas 76941 (for mailed submissions); and (b) business office address being at the Irion County Courthouse, 209 North Park View Street, Mertzon, Texas 76941 (telephone 325-835-2421) (for courier or hand-delivery submissions).

(3) Is any part of the proposed development within the limits or extraterritorial jurisdiction of a municipality? ANSWER: \_\_\_YES \_\_\_NO. If YES, identify the municipality on the attached documents.

(4) Is the Developer requesting a variance from the Commissioners Court? ANSWER: \_\_\_YES \_\_\_NO. If YES, identify and describe your variance request and attach documents to support the request: \_\_\_\_\_

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

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

(7) Will the MHRC be served by one or more private water wells or septic/OSSF systems? ANSWER: \_\_\_ YES \_\_\_ NO. If YES, identify them and attach all reports, plans, drawings, and specifications related to those improvements, infrastructure, or facilities.

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

\_\_\_\_\_.

(9) Is the proposed development located in a floodplain, as defined by the Regulations? ANSWER: \_\_\_ YES; \_\_\_ NO. If YES, identify all floodplain areas in which all or a part of the proposed development is located: \_\_\_\_\_

\_\_\_\_\_.

(10) Have you paid all 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.

(12) Identify the signatory Applicant below (if a different business entity or person than the above described Owner/Developer or Operator of the real property made the subject of the proposed MHRC development) by providing: (a) the Applicant's name, address, and contact representative (with telephone numbers [office and mobile] and e-mail address); and (b) an explanation of the existing business, agency, or other relationship, and supporting documents, which authorize Applicant to execute this instrument on behalf of the Owner/Developer or Operator regarding the proposed MHRC development.

**THE APPLICANT NAMED BELOW HEREBY CERTIFIES AND STATES THE FOLLOWING:**

I have read the active **Subdivision and Manufactured Home Rental Community Regulations for Irion County, Texas**. All documents required by the Regulations for the proposed MHRC have been prepared by me or on my behalf and are attached to this Application, including full payment to the County, by cashier's check or money order, for all required fees, if any.

Applicant Name: \_\_\_\_\_  
 By: \_\_\_\_\_  
 Applicant Representative  
 Printed Name: \_\_\_\_\_; Title: \_\_\_\_\_  
 Date: \_\_\_\_\_, 20\_\_\_\_

**RECEIPT BY COUNTY:**

**RECEIVED BY:** \_\_\_\_\_  
 Printed Name: \_\_\_\_\_; Title: \_\_\_\_\_  
 Irion County, Texas  
 Date: \_\_\_\_\_, 20\_\_\_\_

**DOCUMENT LIST FOR MHRC APPLICATION**

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

- (1) \_\_\_\_\_ a complete and executed MHRC Application in compliance with the Regulations, with all required documents and payment of fees (Regulations §§ 4.3, 5.1, Appendix/Exhibits B-I);
- (2) \_\_\_\_\_ a proposed MHRC infrastructure development plan (“Plan”) as described by the Regulations, which is fully executed, certified, and acknowledged by the proper parties (including the Owner/Developer and its engineer and surveyor), as designated in the Regulations, but excluding from compliance at application submission: (a) the signatures, acknowledgements, and/or certifications of the County’s representatives; and (b) the filing or recordation of the Plan (Regulations §§ 4.3, 5.1, Appendix/Exhibits B-I);
- (3) \_\_\_\_\_ a proposed Plan and all supporting documents describing and demonstrating compliance with the MHRC drainage, water, and wastewater requirements of the Regulations, including without limitation providing accurate descriptions and specifications regarding: (a) adequate drainage for the MHRC, including all streets or roads therein, in accordance with standard engineering practices; (b) necessary drainage culverts and other drainage facilities for the MHRC; (c) the areas of the MHRC located in the floodplain; (d) the provision of an adequate public or community water supply to the MHRC in accordance with minimum state and local standards and Water District requirements; (e) the location of all facilities and supply lines for said water supply in accordance with Subchapter C, Chapter 341, Texas Health and Safety Code; and (f) the provision of access of the MHRC to sanitary sewer or septic facilities and lines, in accordance with minimum state and local standards, and including (i) providing and identifying the location of all sanitary sewer facilities and lines, (ii) providing and identifying adequate OSSF sewage facilities and lines in accordance with Chapter 366,

Texas Health and Safety Code, and (iii) compliance with the state and local requirements (Regulations §§ 4.3, 5.1, Appendix/Exhibits B-I);

- (4) \_\_\_\_\_ a proposed Plan and all supporting documents describing and demonstrating compliance with the MHRC land survey requirements of the Regulations, including without limitation providing accurate descriptions and specifications regarding a land survey of the proposed MHRC performed by a Texas registered professional land surveyor (on the ground), which survey at minimum describes: (a) the proposed MHRC boundaries, and any significant features located therein; (b) the proposed location of all spaces, lots, or other parts of the MHRC; (c) the proposed or existing utility, road, and drainage easements; and (d) the dedications of easements and rights-of-way, if any (Regulations §§ 4.3, 5.1, Appendix/Exhibits B-I);
- (5) \_\_\_\_\_ a proposed Plan and all supporting documents describing and demonstrating compliance with the MHRC road requirements of the Regulations, including without limitation providing accurate descriptions and specifications regarding all roads to be located in the MHRC (Regulations §§ 4.3, 5.1, Appendix/Exhibits B-I);
- (6) \_\_\_\_\_ a proposed Plan and all supporting documents describing and demonstrating compliance with all applicable requirements of: (a) the Regulations; (b) state, federal, and local law; (b) the Water District regulations; and (c) the County's active floodplain management, water, sewer, drainage, septic, and OSSF regulations (Regulations §§ 4.3, 5.1-, Appendix/Exhibits B-I);
- (7) \_\_\_\_\_ a proposed Plan and all supporting documents describing and demonstrating the Developer's knowledge of, and expressed intent to comply with, the specific MHRC restrictions described in the Regulations regarding the prohibited: (a) construction and/or occupancy of the MHRC prior to County approval of the plan and County issuance of the required Certificate of Compliance; and (b) provision of utility services (including water, sewer, gas, and electric services) to the MHRC subject to an infrastructure development plan, or to a manufactured home in the MHRC, unless the owner provides the utility with a copy of the MHRC Certificate of Compliance issued by the County (Regulations §§ 4.3, 5.1-5.4, Appendix/Exhibits B-I);
- (8) \_\_\_\_\_ a tax certificate or other sufficient documentation from the appropriate governmental taxing entities showing that no tax delinquency exists on the real property made the subject of the proposed MHRC development (Regulations §§ 4.3, 5.1, Appendix/Exhibits B-I); and
- (9) \_\_\_\_\_ documents showing payment of all fees to the County, as required by the Regulations (Regulations §§ 4.3, 5.1, Appendix/Exhibits B-I).

**EXHIBIT C****DRAINAGE STANDARDS**

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

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

generated as a result of the proposed development.

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

Corrugated metal pipe (to be approved by County)

- Asphalt Coated - - n =.024
- Asphalt paved inert - n =.020
- Fully asphalt lined - n =.012

Smooth interior plastic pipe - n =.012

Reinforced concrete boxes - - n =.012

Concrete lined open channel -- n =.012

Unlined open channels

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

(c) Design Criteria for Unlined Open Channels:

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

(d) Design Criteria for Lined Channels:

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

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

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

within the development area will be based on a 5, 25, and 100-year storms for all major drainways within the development area.

Q= CIA

Q = Cubic feet, per second

I = Intensity in inches per hour

A = Area in acreage

C = Run-off coefficient

- (g) **Outfalls from Ditches:** Outfalls from ditches into natural or constructed drainage ways shall enter at or above the grade of drainage channel. If necessary, drop or other types of outfall structures shall be installed to prevent erosion. These structures shall be placed so as to not interfere with maintenance of the channel.
- (h) **Water Conveyance:** Lots, spaces, and other divided parts shall be graded so that surface or storm water drainage will be conveyed to streets or drainage courses as directly as possible. Drainage water from roads and streets shall be conveyed to a defined drainage course as directly as possible.
- (i) **Grade Requirements:** The maximum grade of all streets and roads shall be 5.0% unless otherwise approved by the County. The minimum grade of streets and roads shall be 0.2% unless otherwise approved by the County.
- (j) **Drainage Ditches:** All streets and road without curbs and gutters shall have drainage ditches adjacent to and running parallel to the adjacent streets and roads. The drainage ditches shall have a minimum depth of 12 inches below the level of the edge of the adjacent street or road.
- (k) **Permanent Drainage Structures:** Permanent drainage structures, including but not limited to culverts, pipes, drainage boxes, and/or bridges shall be installed at all crossings of drainage courses, including drainage ditches intersecting with driveways, roads, and streets.
- (l) **Permanent Obstacles for Erosion Prevention:** Permanent obstacles (such as concrete, rip-rap, or rock retards) shall be installed on the sloping sides of drainage ditches and drainage courses to prevent erosion.
- (m) **Open Drainage Ditch/Channel Design:** Open drainage channels and

ditches shall be designed and constructed with a proper cross-slope grade and an alignment which will facilitate proper functioning without destructive velocities of drainage waters. All drainage easements must be of an adequate width to permit drainage and flood control for all land upon which natural drainage runs through the property being considered for development.

- (n) Plat or Plan Description: The location, dimension, description, and flow line of all existing and proposed drainage features or structures, and the location, flow line, and floodplain of existing water courses located in the proposed development area, must be shown on all plats and plans submitted to the County for review.
  - (o) Floodplain Requirements: Should the proposed development area contain land designated as a floodplain: (i) the plat or plan must clearly describe and depict all floodplain, flood zone, and floodway locations; and (ii) any structure to be constructed in the floodplain must have a finished floor elevation established that is a minimum of 1 foot above the base flood elevation, and otherwise comply with the NFIP, state law, and the County's active flood damage prevention order or other floodplain management regulations.
- (4) Water/Sewer/OSSF Facilities –
- (a) Public Facilities/Service -- Should public or organized water, sewer, septic, and/or OSSF service and facilities be proposed for the subdivision, or be intended to be constructed or installed by the Developer to service the subdivision, the plat must contain documents by the Developer and his engineer describing and depicting: (a) the type and location of the proposed facilities (and any roadways and easements dedicated for the provision of service) that will be constructed or installed to service the subdivision, and including suitability reports, calculations, and percolation test results; (b) a statement specifying the date by which said facilities will be fully operable; and (c) documents and a statement confirming that the plat, said facilities, and the subdivision comply with the applicable requirements of the (i) minimum state standards for the proposed facilities and service, (ii) the County's water (including groundwater and surface water), and the County's or State's applicable drainage, sewer, septic, and/or OSSF regulations, (iii) the County's groundwater and surface water sufficiency disclosure requirements and floodplain management regulations, and (iv) the regulations and management plans of the appropriate Water District with territorial jurisdiction regarding the water wells

and related permits for the land of the development project.

- (b) Private Facilities -- Should private water (including groundwater and surface water), septic, and/or OSSF facilities be proposed for the subdivision, with said facilities not to be constructed or installed by the Developer, the plat must contain documents (including suitability reports, calculations, and percolation test results) by the Developer and his engineer describing and depicting the: (a) type and location of the proposed facilities; and (b) documents and a statement confirming that the plat, said facilities, and the subdivision comply with the applicable requirements of the (i) minimum state standards for the proposed facilities, (ii) County's water (including groundwater and surface water), and County's or State's applicable drainage, sewer, septic, and/or OSSF regulations, (iii) County's groundwater and surface water sufficiency disclosure requirements and floodplain management regulations, and (iv) the regulations and management plans of the appropriate Water District with territorial jurisdiction regarding the water wells and related permits for the land of the development project.

**EXHIBIT D:**  
**FEE SCHEDULE**

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

- (1) General Requirements.
  - (a) Fees for subdivision plat applications (including the original or a revised instrument) shall be paid to the County at the time of application submission. All plat application fees shall be paid in full by cashier’s check or money order, payable to the order of Irion County, Texas, and timely delivered to the office of the Irion County Clerk at her: mailing address being P.O. Box 270, Mertzon, Texas 76941; or business office address being at the Irion County Courthouse, 209 North Park View Street, Mertzon, Texas 76941.
  - (b) All filing and recording fees pertaining to an approved subdivision plat, or an approved MHRC infrastructure development plan, shall be paid in full to the Irion County Clerk at the time of filing and recording of the approved plat or plan. All filing and recording fees shall be paid in full by cashier’s check or money order, payable to the order of Irion County, Texas, and shall be timely delivered to the office of the Irion County Clerk at her: mailing address being P.O. Box 270, Mertzon, Texas 76941; or business office address being at the Irion County Courthouse, 209 North Park View Street, Mertzon, Texas 76941.
- (2) Fee Types and Amounts.
  - (a) Regarding a subdivision plat application (including the original or a revised instrument), the following fees are required:
    - (i) an application base fee of \$3,000.00, plus a \$300.00 per lot, space, or divided part fee;
    - (ii) all required filing and recording fees (see fee requirements described below); and
    - (iii) full reimbursement to the County of all engineering and/or technical consultant fees, if any, incurred by the County for the aforesaid plat review.

- (b) Regarding the issuance of a Certificate of Approved Plat, a fee of \$50.00 is required for each requested certificate.
- (c) [Intentionally blank].
- (d) Regarding a variance request relating to a proposed subdivision plat or subdivision development, a total review fee of \$250.00 is required for all requested variances, whether one or more.
- (e) Regarding the Irion County Clerk filing and recording fees required for an approved subdivision plat or MHRC infrastructure development plan (including an original or revised instrument), the active fees are as follows; however, those fees may change and it is suggested that the Developer first contact the Irion County Clerk to determine the active fee amounts in effect at the time of instrument filing:
  - (i) Approved Subdivision Plats. Regarding an approved plat, the following fees are required: (a) a fee of \$75.00 for each page for the filed/recorded plat submitted in Mylar format; and (b) a fee of \$25.00 for the first page and \$4.00 for each following page for the plat or supporting plat documents submitted in paper format.
  - (ii) Approved MHRC Infrastructure Development Plans. Regarding an approved plan, the following fees are required: (a) a fee of \$75.00 for each page for the filed/recorded plan submitted in Mylar format; and (b) a fee of \$25.00 for the first page and \$4.00 for each following page for the plan or supporting plan documents submitted in paper format.

**EXHIBIT E:**

**DEVELOPER ROAD DAMAGE AND REPAIR PROVISIONS**

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

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

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

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

- (a) **Authorized Road System Use.** The Developer is authorized to use the following parts of the County’s Road System for its development project operations: all County roads and bridges in said system.
- (b) **Required Licenses and Permits.** While using the Road System for those stated operations, the Developer shall obtain and maintain in full force and effect all licenses and permits required by federal or state law for the operation of its vehicles, equipment, and accompanying weight loads.
- (c) **Developer Repair Obligations.** The Developer shall repair at its sole expense (using all required labor, materials, and equipment) any part of the County’s Road System which is: (i) located outside the boundary of the subdivision or MHRC development area; and (ii) damaged by a Developer-caused damage event during project construction, operations, or

maintenance. The repair of said damage shall be completed by the Developer: (i) on or before 90-days from the occurrence of a Developer-caused damage event, unless a reasonable time extension is requested by the Developer and granted by the written consent of the County, which consent shall not be unreasonably withheld; and (ii) pursuant to the following standard of repair -- specifically, a repair to the Road System which restores the system to the same or better condition as existed before the damage event, normal wear being excepted. Upon the cessation of development project construction, operations, or maintenance, and/or the removal of project facilities and equipment from the development area, the Developer shall leave the Road System in the same or better condition as existed before the Developer-caused damage event, normal wear being excepted.

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

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

**EXHIBIT F:****BOND OR OTHER FINANCIAL SECURITY REQUIREMENTS**

## 1. General Requirements

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

## 2. Bond Requirements

- (a) Bond Payee or Beneficiary Description. The bond shall be payable to the County Judge (in his official capacity) or his successor in office, fully executed by the Developer and his surety, and approved by the Commissioners Court prior to plat approval.

- (b) **Bond Surety Requirements.** The bond surety shall be a corporate or other business entity surety, as may be approved by the Commissioners Court. The County's criteria for surety acceptability includes the following: (i) the surety must be registered with the Texas Secretary of State and be authorized to do business in Texas; (ii) the surety must have authority to issue bonds in the amount required by the Commissioners Court; and (iii) the surety must have a rating of at least B from Best's Key Rating Guide -- or if the surety company does not have any such rating due to the length of time it has been a surety company, the surety must demonstrate eligibility to participate in the surety bond guarantee or security program of the Small Business Administration of the United States government and must be an approved surety company listed in the current United States Department of Treasury Circular 570. Such bonds shall meet the criteria contained in the rules and regulations promulgated by the United States Department of Treasury.
- (c) **Bond Amount.** The bond must be in an amount determined by the Commissioners Court to be adequate to ensure proper construction of the aforesaid dedicated facility or infrastructure requirements for the subdivision but must not to exceed the estimated cost of construction.
- (d) **Bond Condition.** The bond shall be conditioned that the aforesaid dedicated facility and infrastructure for the subdivision (which shall be specifically named and described in the bond) shall be: (i) constructed and maintained by the Developer in accordance with all specifications, requirements, and standards described in these Regulations; and (ii) constructed within a reasonable time set by the Commissioners Court, but not less than one year from the date of plat approval.
- (e) **Bond Term.** The bond shall be for a term of years not less than three years from the date of plat approval.

### 3. Other Financial Guarantee (or Security) Requirements

- (a) **Guarantee Types.** In lieu of a bond, the Developer may deposit another good and sufficient financial guarantee or security approved by the Commissioners Court in the form of: (i) a monetary deposit (in good funds approved by the County); (ii) an irrevocable letter of credit ("LOC") issued by a federally insured financial institution; or (iii) another form of good and sufficient financial guarantee or security deemed acceptable by the Commissioners Court pursuant to the standards and terms herein required for a surety bond or LOC.
- (b) **Guarantee Conditions.** The financial guarantee or security (whether a monetary deposit, LOC, or other type authorized by these Regulations) shall be:
  - (i) payable to the County Judge (in his official capacity) or his successor in office, fully executed by the Developer and his guarantor, and approved by the Commissioners Court prior to plat approval;

- (ii) be in an amount determined by the Commissioners Court to be adequate to ensure proper construction of the aforesaid dedicated facility or infrastructure requirements for the subdivision, but must not to exceed the estimated cost of construction;
  - (iii) conditioned that the aforesaid dedicated facility and infrastructure for the subdivision (which shall be specifically named and described in the guarantee or security) shall be: (1) constructed and maintained by the Developer in accordance with all specifications, requirements, and standards described in these Regulations; (2) constructed within a reasonable time set by the Commissioners Court, but not less than one year from the date of plat approval; and
  - (iv) be for a term of years not less than three years from the date of plat approval.
- (c) Letter of Credit. If an LOC is used for the guarantee or security, it must conform to the following requirements:
- (i) Beneficiary. The LOC must list as the sole beneficiary the County Judge or his successor in office.
  - (ii) Developer and Financial Institution Execution. The LOC must be fully executed by the Developer and the financial institution, in compliance with these Regulations, and approved by the Commissioners Court prior to approval of the plat.
  - (iii) Requirements. The LOC shall meet the following requirements.
    - (1) Financial Institution Qualifications. Any LOC submitted as a financial guarantee or security for combined amounts greater than \$10,000 and less than \$250,000 must be from financial institutions which meet the following qualifications:
      - (a) Banks must be: federally insured, with a Sheshunoff rating of 10 or better; with primary capital of at least 6.0% of total assets; and with total assets of at least \$25 million.
      - (b) Savings and loan associations must be: federally insured; with tangible capital of at least 1.5% of total assets; with total assets greater than \$25 million, or tangible capital of at least 3.0% of total assets if total assets are less than \$25 million; and with a

Sheshunoff rating of 30 or better.

- (c) Other financial institutions must have the following: the LOC must be 110% collateralized by an investment instrument meeting the qualifications for a county investment; and the investment instrument must be registered in the County's name, and the County must receive safekeeping receipts for all collateral before the LOC is accepted.
  - (d) Any LOC submitted as a financial guarantee or security for combined amounts greater than \$250,000 must be from financial institutions which meet the following qualifications:
    - (e) Banks must be: federally insured; with a Sheshunoff rating of 30 or better; with a primary capital of at least 7.0% of total assets, and total assets of at least \$75 million.
    - (f) Savings and loan associations must be: federally insured; with tangible capital of at least 3.0% of total assets, and total assets greater than \$75 million (or alternatively, tangible capital of at least 5.0% of total assets if total assets are less than \$75 million); and with a Sheshunoff rating of 30 or better.
    - (g) Other financial institutions must have the following: the LOC must be 110% collateralized by an investment instrument meeting the qualifications for a county investment; and the investment instrument must be registered in the County's name and the County must receive safekeeping receipts for all collateral before the LOC is accepted.
- (2) Sole Beneficiary and Approval. The LOC shall list as sole beneficiary the County Judge (in his official capacity), or his successor in office, and must be approved by the Commissioners Court. The form of the LOC shall be modeled after the form attached in Appendix 2B of 31 TAC § 364.54.

- (3) Amount and Conditions. The LOC must be in an amount determined by the Commissioners Court to be adequate to ensure proper construction of the roads, streets, and drainage structure requirements for the subdivision, but in an amount not to exceed the estimated cost of construction. The LOC must be conditioned that the roads, streets, and drainage structure requirements for the subdivision (which shall be specifically named and described in the LOC) shall be: (1) constructed and maintained by the Developer in accordance with all specifications, requirements, and standards described in these Regulations; and (2) constructed within a reasonable time set by the Commissioners Court, but not less than two years from the date of plat approval.

**EXHIBIT G:**

**CERTIFICATION OF GROUNDWATER AVAILABILITY**



## CERTIFICATION OF GROUNDWATER AVAILABILITY FOR PLATTING FORM

**Use of this form:** This form was developed by TCEQ consistent with 30 Texas Administrative Code, Chapter 230. The purpose of the form is to certify that adequate groundwater is available beneath a subdivision if that groundwater will be used to supply water to the subdivision.

The form must be submitted by plat applicants and certified by a Texas licensed professional engineer or Texas licensed professional geoscientist as part of an application to a platting authority. The platting authority could be a municipal authority pursuant to Texas Local Government Code (TLGC) Section 212.0101 or a county authority pursuant to TLGC 232.0032.

The form and 30 TAC Chapter 230 do not replace state or federal requirements applicable to public drinking water systems nor the authority of counties or groundwater conservation districts under the Texas Water Code.

For any questions regarding this form, contact the TCEQ Water Availability Division, Groundwater Planning and Assessment Team at [GPAT@tceq.texas.gov](mailto:GPAT@tceq.texas.gov) or by phone at (512) 239-4600.



## Certification of Groundwater Availability for Platting Form

### Administrative Information, 30 TAC 230.4

1. Name of Proposed Subdivision:

2. Any Previous Names that Identify the Tract of Land:

3. Property Owner(s) Information:

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

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

4. Plat Applicant Information:

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

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

5. Licensed Professional Engineer or Geoscientist Information:

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

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Certificate / License Number: \_\_\_\_\_

6. Location and Property Description of Proposed Subdivision:

7. Tax Assessor Parcel Number(s).

Book: \_\_\_\_\_

Map: \_\_\_\_\_

Parcel: \_\_\_\_\_

8. Groundwater Conservation District Information:

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

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

**Proposed Subdivision Information, 30 TAC 230.5**

9. Purpose of Proposed Subdivision (single family/multi-family residential, non-residential, commercial, other):

\_\_\_\_\_

If "Other," explain:

10. Size of Proposed Subdivision (in acres): \_\_\_\_\_

11. Number of Proposed Lots: \_\_\_\_\_

12. Average Size of Proposed Lots (in acres): \_\_\_\_\_

13. Anticipated Method of Water Distribution (check all that apply). If any options related to PWS are checked below, number 14 must be answered YES.

Expansion of Existing Public Water System (PWS)

New (Proposed) PWS System

Individual Water Wells to Serve Individual Lots

Combination of Methods (Describe below)

Description, if needed:

14. If PWS is anticipated, a written application for service for existing water providers within a one-half mile radius must be attached to this form (30 TAC 230.5(f)). Is this application for service for existing water providers attached to this form?

YES     N/A

15. Additional Information, if required by the municipal or county authority:

**Projected Water Demand Estimate, 30 TAC 230.6**

16. Residential Water Demand estimate at Full Build Out (includes both single family and multi-family residential): \_\_\_\_\_

a. Number of Proposed Housing Units (single and multi-family): \_\_\_\_\_

b. Average Number of Persons Per Housing Unit: \_\_\_\_\_

c. Volume of Water Required Per Person Per Day (gallons): \_\_\_\_\_

d. Water Demand Per Housing Unit Per Year (acre-feet): \_\_\_\_\_

e. Total Expected Residential Water Demand Per Year (acre-feet): \_\_\_\_\_

17. Non-Residential Water Demand Estimate at Full Build-Out (acre-feet/year): \_\_\_\_\_

a. Type(s) of Non-Residential Water Use(s):

b. Water Demand Per Type Per Year (acre-feet):

18. Total Water Demand Estimate at Full Build-Out (acre-feet/year): \_\_\_\_\_

19. Sources of Information Used for Demand Estimates:

**General Groundwater Resource Information, 30 TAC 230.7**

20. Identify and describe the aquifer(s) that underlie(s) the proposed subdivision, using Texas Water Development Board (TWDB) names:

Note: Users may refer to the most recent State Water Plan, Groundwater Management Area Desired Future Condition adoption, and Groundwater Availability Model to obtain general information pertaining to the state's aquifers. The State Water Plan is available on TWDB's webpage at:

<https://www.twdb.texas.gov/waterplanning/swp/index.asp>

**Obtaining Site-Specific Groundwater Data, 30 TAC 230.8**

Answer by checking YES or NO for each of the following questions. For any "NO" response, please provide an explanation in question number 45.

21.  YES  NO Have all known existing, abandoned, and inoperative wells within the proposed subdivision been located, identified, and shown on the plat as required under 30 TAC 230.8(b)?
22.  YES  NO Were the geologic and groundwater resource factors identified under 30 TAC 230.7(b) considered in planning and designing the aquifer test required under 30 TAC 230.8(c)?
23.  YES  NO Have test and observation wells been located, drilled, logged, completed, developed, and shown on the plat as required by 30 TAC 230.8(c)(1) through (4)?
24.  YES  NO Have all reasonable precautions been taken to ensure that contaminants do not reach the subsurface environment and that undesirable groundwater has been confined to the zone(s) of origin (30 TAC 230.8(c)(5))?
25.  YES  NO Has an aquifer test been conducted which meets the requirements of 30 TAC 230.8(c)(1) and (6)?
26.  YES  NO Were existing wells or previous aquifer test data used?
27.  YES  NO If YES to number 26, did they meet the requirements of 30 TAC 230.8(c)(7)?  
If NO to number 26, check  N/A.
28.  YES  NO Were additional observation wells or aquifer testing utilized?

**Note:** If the anticipated method of water distribution for the proposed subdivision is expansion of an existing public water system (PWS) or a new PWS, site-specific groundwater data shall be developed under the requirements of 30 TAC, Chapter 290, Subchapter D, *Rules and Regulations for Public Water Systems*, and the applicable information and correspondence developed in meeting those requirements shall be attached to this form pursuant to 30 TAC 230.8(a). Per 230.8(c) the aquifer test must provide sufficient information to allow evaluation of each aquifer that is being considered as a source of residential and non-residential water supply for the proposed subdivision.

### **Determination of Groundwater Quality, 30 TAC 230.9**

Answer by checking YES or NO for each of the following questions. For any "NO" response, please provide an explanation in question number 45.

29.  YES  NO Have water quality samples been collected as required by 30 TAC 230.9?
30.  YES  NO Has a water quality analysis been performed which meets the requirements of 30 TAC 230.9?

### **Determination of Groundwater Availability, 30 TAC 230.10**

Complete the following by filling in the blanks or answering YES, NO, or N/A as applicable. For any NO or N/A, please provide explanation on number 45.

31.  YES  NO Have the aquifer parameters required by 30 TAC 230.10(c) been determined?
32. If YES, provide the aquifer parameters as determined, including units as applicable (check here if a. through h. below are N/A: ):
- a. Rate of yield and drawdown: \_\_\_\_\_
  - b. Specific capacity: \_\_\_\_\_
  - c. Efficiency of the pumped well: \_\_\_\_\_
  - d. Transmissivity: \_\_\_\_\_
  - e. Coefficient of storage: \_\_\_\_\_
  - f. Hydraulic conductivity: \_\_\_\_\_
  - g. Were any recharge or barrier boundaries detected?  YES  NO

If YES, please describe:

- h. Thickness of aquifer(s): \_\_\_\_\_

- 33.  YES  NO Have time-drawdown determinations been calculated as required under 30 TAC 230.10(d)(1)?
- 34.  YES  NO Have distance-drawdown determinations been calculated as required under 30 TAC 230.10(d)(2)?
- 35.  YES  NO Have well interference determinations been made as required under 30 TAC 230.10(d)(3)?
- 36.  YES  NO Has the anticipated method of water delivery, the annual groundwater demand estimates at full build out, and geologic and groundwater information been taken into account in making these determinations?
- 37.  YES  NO Has the water quality analysis required under 30 TAC 230.9 been compared to primary and secondary public drinking water standards as required under 30 TAC 230.10(e)?
- 38.  YES  NO Does the concentration of any analyzed constituent exceed the standards?

If YES, list the constituent(s) and concentration measure(s) that exceed standards:

**Groundwater Availability and Usability Statements, 30 TAC 230.11(a) and (b)**

Complete the following by filling in the blanks or answering YES/NO as applicable. For any "NO" response, please provide an explanation in question number 45:

- 39. Drawdown of the aquifer at the pumped well(s) is estimated to be \_\_\_\_\_ feet over a ten-year period and \_\_\_\_\_ feet over a 30-year period.
- 40. Drawdown of the aquifer at the property boundary is estimated to be \_\_\_\_\_ feet over a ten-year period and \_\_\_\_\_ feet over a 30-year period.
- 41. The distance from the pumped well(s) to the outer edges of the cone(s)-of-depression is estimated to be \_\_\_\_\_ feet over a ten-year period and \_\_\_\_\_ feet over a 30-year period.
- 42. The recommended minimum spacing limit between wells is \_\_\_\_\_ feet with a recommended well yield of \_\_\_\_\_ gallons per minute per well.
- 43. Available groundwater is of sufficient quality to meet the intended use of the platted subdivision.  YES  NO
- 44. The groundwater availability determination does not consider the following conditions (identify any assumptions or uncertainties that are inherent in the groundwater availability determination):

- 45. Provide explanation for any NO or N/A answered in any section above, and include the associated question number:

**Certification of Groundwater Availability (30 TAC 230.11(c))**

***Must be signed by a Texas Licensed Professional Engineer or a Texas Licensed Professional Geoscientist.***

46. I, \_\_\_\_\_, a

Texas Licensed Professional Engineer,

Texas Licensed Professional Geoscientist,

license number \_\_\_\_\_, based on best professional judgment, current groundwater conditions, and the information developed and presented in this form, certify that adequate groundwater is available from the underlying aquifer(s) to supply the anticipated use of the proposed subdivision.

Signature \_\_\_\_\_

Date \_\_\_\_\_

(affix seal)

**EXHIBIT H:****UTILITY CONNECTION REQUIREMENTS**

The following utility connection requirements authorized by §§ 232.029, 232.101 and 232.106-.107 of the Texas Local Government Code and other authority are approved and adopted for application and use in these Regulations as subdivision platting and operational requirements.

- (a) Prohibition of Service/Water or Sewer Service -- Except as provided by subparagraph (c) of this exhibit, or § 232.037(c) of the Texas Local Government Code or other authority, a utility may not serve or connect any subdivided land with water or sewer service unless the utility receives a certificate issued by the Commissioners Court under § 232.028(a) of the Texas Local Government Code or other authority, or receives a determination from the Commissioners Court under § 232.028(b)(1) of the Texas Local Government Code or other authority, that the plat has been reviewed and approved by the Commissioners Court.
- (b) Prohibition of Service/Electricity or Gas Service -- Except as provided by subparagraphs (c) or (k) of this exhibit, or § 232.037(c) of the Texas Local Government Code or other authority, a utility may not serve or connect any subdivided land with electricity or gas unless the entity receives a determination from the Commissioners Court under §§ 232.028(b)(2) and (3) of the Texas Local Government Code or other authority that adequate water and sewer services (including septic or OSSF facilities) have been installed to service the lot or subdivision.
- (c) Certificate Facts -- An electric, gas, water, or sewer service utility may serve or connect subdivided land with water, sewer, electricity, gas, or other utility service -- regardless of whether the utility receives a certificate issued by the Commissioners Court under § 232.028(a) or other authority, or regardless of whether the utility receives a determination from the Commissioners Court under § 232.028(b) -- if the utility is provided with a certificate issued by the Commissioners Court that states that:
  - (1) the subdivided land: (a) was sold or conveyed by a subdivider by any means of conveyance, including a contract for deed or executory contract (i) before September 1, 1995, or (ii) before September 1, 1999, if the subdivided land on August 31, 1999, was located in the ETJ of a municipality as determined by Chapter 42 of the Texas Local Government Code; (b) has not been subdivided after September 1, 1995, or September 1, 1999, as applicable under the immediately preceding subpart (a); (c) is the site of construction of a residence, evidenced by at least the existence of a completed foundation, that was begun on or before May 1, 2003; and (d) has had adequate sewer services installed to service the lot or dwelling, as determined by an authorized agent responsible for the licensing or permitting of on-site sewage facilities under Chapter 366 of the Texas Health and Safety Code;

- (2) the subdivided land is a lot of record and has adequate sewer services installed that are fully operable to service the lot or dwelling, as determined by an authorized agent responsible for the licensing or permitting of on-site sewage facilities under Chapter 366 of the Texas Health and Safety Code; or
  - (3) the land was not subdivided after September 1, 1995, and (a) water service is available within 750 feet of the subdivided land, or (b) water service is available more than 750 feet from the subdivided land and the extension of water service to the land may be feasible, subject to a final determination by the water service provider.
- (d) Supporting Documents -- A utility may provide utility service to subdivided land described by subparagraph (c)(1), (2), or (3) only if the person requesting service: (1) is not the land's Subdivider or the Subdivider's agent; and (2) provides to the utility a certificate described in subparagraph (c) above.
- (e) Documentation -- A person requesting service may obtain a certificate under subparagraph (c)(1), (2), or (3) only if the person is the owner or purchaser of the subdivided land and provides to the Commissioners Court documentation containing:
  - (1) a copy of the means of conveyance or other documents that show that the land was sold or conveyed by a Subdivider before September 1, 1995, or before September 1, 1999, as applicable under said subparagraph (c) above;
  - (2) a notarized affidavit by that person requesting service under subparagraph (c)(1) that states that construction of a residence on the land, evidenced by at least the existence of a completed foundation, was begun on or before May 1, 2003, and the request for utility connection or service is to connect or serve a residence described by subparagraph (c)(1)(c) above;
  - (3) a notarized affidavit by the person requesting service that states that the subdivided land has not been further subdivided after September 1, 1995, or September 1, 1999, as applicable under subparagraph (c) above; and
  - (4) evidence that adequate sewer service or facilities have been installed and are fully operable to service the lot or dwelling from an entity described by § 232.021(14) of the Texas Local Government Code or other authority or the authorized agent responsible for the licensing or permitting of on-site sewage facilities under Chapter 366 of the Texas Health and Safety Code.
- (f) [Intentionally blank].

- (g) Document Disclosure -- On request, the Commissioners Court shall provide to the Texas Attorney General and any appropriate local, county, or state law enforcement official, a copy of any document on which the Commissioners Court relied in determining the legality of providing services.
- (h) Limited Effect -- These utility connection requirements may not be construed to abrogate any civil or criminal proceeding or prosecution or to waive any penalty against a Subdivider for a violation of a state or local law, regardless of the date on which the violation occurred.
- (i) Exception/Municipal ETJ -- The prohibition established by these utility connection requirements shall not prohibit a water, sewer, electric, or gas utility from providing water, sewer, electric, or gas utility connection or service to a lot sold, conveyed, or purchased through a contract for deed or executor contract or other device by a Subdivider prior to July 1, 1995, or September 1, 1999, if on August 31, 1999, the subdivided land was located in the ETJ of a municipality that has adequate sewer services installed that are fully operable to service the lot, as determined by an authorized agent responsible for the licensing or permitting of on-site sewage facilities under Chapter 366 of the Texas Health and Safety Code, and was subdivided by a plat approved prior to September 1, 1989.
- (j) In these utility connection requirements, “foundation” means the lowest division of a residence, usually consisting of a masonry slab or a pier and beam structure, which is partly or wholly below the surface of the ground and on which the residential structure rests.
- (k) Exception/Previous Service – Subject to subparagraphs (l) and (m), a utility that does not hold a certificate issued by, or has not received a determination from, the Commissioners Court under § 232.028 or other authority to serve or connect subdivided property with electricity or gas may provide that service to a single-family residential dwelling on that property if:
  - (1) the person requesting the utility service: (a) is the owner and occupant of the residential dwelling,; and (b) on or before January 1, 2001, owned and occupied the residential dwelling;
  - (2) the utility previously provided the utility service on or before January 1, 2001, to the property for the person requesting the service;
  - (3) the utility service provided as described in subparagraph (2) above was terminated not earlier than 5-years before the date on which the person requesting utility service submits an application for that service; and
  - (4) providing the utility service will not result in: (a) an increase in the volume of utility service provided to the property; or (b) more than one utility connection for each single-family residential dwelling

located on the property.

- (l) Required Documentation -- A utility may provide service under subparagraph (k) only if the person requesting the service provides to the Commissioners Court documentation that evidences compliance with the requirements of subparagraph (k) and that is satisfactory to the Commissioners Court.
- (m) Limitation for Service -- A utility may not serve or connect subdivided property described by subparagraph (k) if, on or after September 1, 2007, any existing improvements on that property are modified.
- (n) Exception/Government Funding Program -- Except as provided in subparagraph (o), this subparagraph (n) does not prohibit a water or sewer utility from providing water or sewer utility connection or service to a residential dwelling that:
  - (1) is provided water or wastewater facilities under or in conjunction with a federal or state funding program designed to address inadequate water or wastewater facilities in colonias or to residential lots located in the County;
  - (2) is an existing dwelling identified as an eligible recipient for funding by the funding agency providing adequate water and wastewater facilities or improvements;
  - (3) when connected will comply with the minimum state standards for both water and sewer facilities as prescribed by the model subdivision rules adopted under § 16.343 of the Texas Water Code.
  - (4) is located in a project for which the municipality with jurisdiction over the project or the approval of plats within the project area has approved the improvement project by order, resolution, or interlocal agreement under Chapter 791 of the Texas Government Code, if applicable.
- (o) Exception – A utility may not serve any subdivided land with water utility connection or service under subparagraph (n) unless the entity receives a determination from the County Commissioners Court under § 232.028(b)(3) of the Texas Local Government Code or other authority that adequate sewer services have been installed to service the lot or dwelling.
- (p) Fees -- The Commissioners Court hereby imposes the following reasonable fee for a certificate issued under these utility connection requirements for a subdivision which is located in the county and not within the limits of a municipality: as described on the fee schedule attached to these Regulations.
- (q) Plat Disclosure Statement -- An approved subdivision plat shall contain the following statement regarding these utility connection requirements:

**IRION COUNTY (“COUNTY”), BY AND THROUGH ITS GOVERNING BODY, THE COMMISSIONERS COURT OF IRION COUNTY, TEXAS (“COMMISSIONERS COURT”), HAS ADOPTED CERTAIN UTILITY CONNECTION REQUIREMENTS AUTHORIZED BY LAW, AND NOTICE IS HEREBY GIVEN REGARDING THOSE MATTERS:**

**WATER OR SEWER SERVICE -- UNLESS OTHERWISE ALLOWED BY LAW OR COUNTY REGULATIONS, A UTILITY MAY NOT SERVE OR CONNECT ANY SUBDIVIDED LAND WITH WATER OR SEWER SERVICE UNLESS THE UTILITY RECEIVES A CERTIFICATE ISSUED BY THE COMMISSIONERS COURT, OR RECEIVES A DETERMINATION FROM THE COMMISSIONERS COURT, THAT THE SUBDIVISION PLAT HAS BEEN REVIEWED AND APPROVED BY THE COUNTY.**

**ELECTRICITY OR GAS SERVICE -- UNLESS OTHERWISE ALLOWED BY LAW OR COUNTY REGULATIONS, A UTILITY MAY NOT SERVE OR CONNECT ANY SUBDIVIDED LAND WITH ELECTRICITY OR GAS SERVICE UNLESS THE UTILITY RECEIVES A DETERMINATION FROM THE COMMISSIONERS COURT THAT ADEQUATE WATER AND SEWER SERVICES (OR OSSF SERVICES AS AN ALTERNATIVE TO SEWER SERVICES) HAVE BEEN CONSTRUCTED OR INSTALLED TO SERVICE THE LOT OR SUBDIVISION, AND THAT: (1) SAID WATER SERVICE FACILITIES ARE FULLY OPERABLE AND THE WATER QUALITY AND CONNECTIONS TO THE LOTS MEET THE MINIMUM STATE STANDARDS; (2) SAID SEWER SERVICE FACILITIES ARE FULLY OPERABLE AND THE SEWER CONNECTIONS TO THE LOTS MEET THE MINIMUM REQUIREMENTS OF STATE STANDARDS; AND/OR (3) ALTERNATIVELY, IF SEPTIC SYSTEMS (OSSF) ARE USED, THAT THE LOT IS SERVED BY A PERMITTED OSSF, OR THAT LOTS IN THE SUBDIVISION CAN BE ADEQUATELY AND LEGALLY SERVED BY SEPTIC SYSTEMS, THAT MEET THE MINIMUM REQUIREMENTS OF STATE STANDARDS.**

**EXHIBIT I****ROAD STANDARDS**

- (1) **Introduction.** Pursuant to §§ 232.0031, 232.101, and 232.107 of the Texas Local Government Code and other authority, the following minimum standards are approved and adopted for use and application in these Regulations as subdivision platting and operational requirements regarding streets or roads in a subdivision located in the unincorporated area of Irion County.
- (2) **General requirements.**
  - (a) Each approved subdivision plat shall contain a plat note that the County will not be responsible for road maintenance unless subsequently accepted for county maintenance, and a petition to assume road maintenance will not be considered for a minimum of two years after completion of the road.
  - (b) Each subdivision shall also contain a statement regarding who will maintain subdivision streets, whether contained in a home owners association by-laws, deed restrictions, or other similar documents.
  - (c) A fifty-foot (50') right-of-way is required for all roads and streets, notwithstanding any provisions of these regulations to the contrary. A Flag Lot access road must be at least fifty-feet (50') wide.
  - (d) [Intentionally blank].
  - (e) All material used in constructing roads and streets may be inspected by the Precinct Commissioner.
  - (f) No utility lines may be placed under a road or street except at 90-degree angles, installed before the subgrade is in place, and cased at a depth of no less than forty-eight (48") inches below drainage ditches. Any other crossing must be bored and cased beneath a road or street at a minimum depth of forty-eight (48") inches.
  - (g) The actual right-of-way for alleys must not be less than twenty (20') nor more than thirty-five (35') feet in width.
  - (h) All permanent dead-end or cul-de-sac roads or streets must have a turn-a-round with a right-of-way diameter of not less than one hundred forty feet (140') with a radius of fifty-feet (50') of improved surface with a minimum of six inches (6") of compacted rock, or #1-2 crushed limestone base.
  - (i) Mailboxes must be mounted on break away stands and be located so that boxes

may be serviced and used from off the pavement. Where multi-tenant mailboxes are used, an appropriate area for access outside the public right-of-way must be provided within the subdivision.

**(3) Intersections.**

- (a) Roads and streets must be designed and constructed so as to intersect with each other at ninety (90) degree angles.
- (b) Intersections shall be of sufficient size to allow school buses and emergency vehicles room to turn with at least a 140-ft turning radius.
- (c) If a variance for intersection construction 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 twenty-five (25') feet away from the point where the streets would have otherwise intersected. The Commissioners Court will specify the exact size of the cut-back, up to a maximum of fifty (50') feet, in its order granting or denying authorization of a plat application. No road or street may be constructed with an abrupt offset or "jog" in it.

**(4) Location of Roads and Streets.**

- (a) Where streets of an existing subdivision end at the property line, any new subdivision which is intended to utilize connecting roads and streets in the existing subdivision must be constructed so as to be a continuation and extension of said existing streets in said adjoining subdivision.
- (b) When possible, roads and streets must be designed and constructed so as to permit the continuation or extension of said roads and streets in other subdivisions in the future.
- (c) No streets, roads, or alleys may be constructed across dams or embankments used for purpose of holding water.

**(5) Plat Approval – Not Acceptance for Public Maintenance.**

- (a) Approval of a Developer's plat application does not mean that the Commissioners Court accepts any roads or streets within the subdivision for maintenance by the County. The decision to accept one or more roads or streets within a subdivision will be made only upon a petition for road maintenance and a separate order entered of record by the Commissioners Court.
- (b) No petition for road maintenance will be considered any earlier than after two (2)

years have elapsed from the date of completion of construction of the roads and streets of a subdivision, said date to be certified by the Commissioners Court.

- (c) Irion County reserves the right to deny an application for acceptance of any subdivision street or road for permanent public maintenance by the County. No roads or streets will receive consideration for final **acceptance** into the County Road System by the Commissioners Court until at least **two (2) years** after original construction of streets and roads are completed. In Subdivisions in which insufficient development or building has taken place after the two-year period and where there has been insufficient use of the streets and roads to insure their stability, then such streets and roads will not be accepted by the Commissioners Court until such time as there is sufficient development to insure street and road stability. Sufficient development shall be defined as fifty percent (50%) occupancy of the total lots or tracts within said subdivision. Upon final approval, title to all streets and roads shall be conveyed to the County for their maintenance by a Warranty Deed, or Grant of Right-of-Way (i.e., a perpetual easement granted to the County), in a form which shall be acceptable to the Commissioners Court. Accompanying such deed shall be an adequate description of streets and roads, either by reference to the approved subdivision plat or by field notes prepared by a Registered Professional Engineer from a survey made on the ground. From the date of adoption of this Order forward, all streets and roads in any subdivision for which a plat has been filed shall adhere to the Road Construction Specifications which follow whether or not an eventual request for County maintenance is planned.
  - (d) In subdivisions that are developed as “gated communities,” or private subdivisions it is the responsibility of the Developer, property/homeowner’s association and/or the individual property owners to provide a means of access to emergency responders.
  - (e) A plat application must contain a certificate stating that the Developer understands that approval of the plat application and filing of the plat does not mean that the County will be responsible for maintenance of subdivision roads and streets.
- (6) **Subgrade and Flexible Base.**
- (a) All roads and streets must be constructed with a stabilized subgrade. The subgrade material under all roads and streets must meet or exceed the following minimum requirements: (i) plasticity index value must be a minimum of ten (10) and a maximum of fourteen (14); (ii) subgrade must be bladed to a depth of twelve inches (12”); (iii) subgrade must be compacted with a weighted roller; (iv) subgrade must be watered, bladed, and rolled before any flexible base material is placed upon it; and (v) subgrade must be at least twenty-four feet (24’) wide.

- (b) All roads and streets must have a flexible base, as follows:
  - (i) The flexible base material for all roads and streets in every subdivision may be only the following: # 1 crushed limestone rock;
  - (ii) The flexible base must have a minimum thickness of 8 inches compacted to 6 inches, and be at least twenty-four (24') feet wide; and
  - (iii) [Intentionally blank].
- (c) The base must be an optimum design based upon site-specific soil conditions found within the subdivision and confirmed by an engineer's specifications.

(7) **Surface Materials.**

- (a) paved roads must have a traveled road-bed width of not less than twenty feet (20') and be paved with either: hot mix (oil sand, D-mix, etc.) of asphaltic nature; rock base with AC-5 or similar sealcoat surface treatment; or a combination of these materials.
  - (b) Asphalt roads must have two course penetration asphalt surface treatment or tack coat and hot mix, in accordance with the following: (i) the paving material must have a thickness of not less than two (2") inches of hot mix asphaltic compacted, or one (1) course of sealcoat surface treatment; (ii) a prime coat of asphalt must be applied to the base, the road blocked or barricaded, and allowed to set for an adequate period of time (a minimum of 24 hours); (iii) one course penetration asphalt surface treatment must then be applied by use of clean, tough and durable aggregate of type 4 maximum sized aggregate; and (iv) aggregates must be applied in quantities necessary to thoroughly and properly cover the improved road surface with asphalt.
  - (c) After aggregates have been applied, a pneumatic roller is to be used on the entire surface until the aggregates are worked into the asphalt properly.
  - (d) All roads and streets constructed with concrete must consist of concrete being at least six inches (6") thick with one half inch (1/2") diameter re-bar on centers no wider than eighteen inches (18").
  - (e) Certain subdivisions may be served by all-weather roads having a traveled roadbed width of not less than twenty feet (20'), and meeting the above specifications.
- (8) **Road Crown.** The center line of the improved surface of each road and street must have a minimum elevation of 2% minimum cross slope from the elevation of the edge of said

road or street, unless otherwise designed by an engineer when necessitated by terrain.

- (9) [Intentionally blank].
- (10) **Setbacks.** Notwithstanding anything to the contrary stated in these Regulations, the following set-back requirements are adopted for use and application in these Regulations for subdivision platting and operational purposes.
- (a) The Commissioners Court finds that the establishment of set-back lines from all public roads in the County will promote the general welfare, pursuant to Section 233.032, Texas Local Government Code.
  - (b) A “Major Road” is defined in these Regulations to mean and include: (i) all state or federal highways; and (b) any county-maintained road specifically designated by the Commissioners Court as a major highway or thoroughfare.
  - (c) Pursuant to Sections 232.101, 232.104, and 233.032, of the Texas Local Government Code and other authority, regarding building and set-back lines, and for the promotion of the general welfare and safety of the public: (1) the Developer shall establish a minimum 25-foot building and set-back line on the front, sides, and rear boundary lines of all lots or divided parts in the subdivision; but (2) notwithstanding anything to the contrary stated in these Regulations, the Developer shall establish a minimum set-back line of 25-feet from said boundary line to the edge of any public road, or 50-feet from said boundary line to the edge of a Major Road.
  - (d) [Intentionally Left Blank].
  - (e) The Commissioners Court reserves the right to designate public roads that presently have, or are anticipated to have, higher densities of traffic as a result of development or other changes in the normal traffic burden previously experienced on any particular roadway, as a Major Road.
  - (f) The Commissioners Court shall give preliminary public notice of any such designation prior to such designation. The following roads are hereby declared to be major highways in the County: any federal or state highway. The Commissioners Court may designate as major highways and Major Roads additional public roads that abut a subdivision at the time of the approval of a plat application for the subdivision.
- (11) **Street Names, Numbers, Signage, and Dedication.**
- (a) All roads and streets must be named or numbered and marked by the developer in compliance with these regulations, the Irion County addressing protocols, and the

regulations of the regional 9-1-1 network managed by the Concho Valley Council of Governments (“CVCOG”).

- (b) The plat application must include a certificate from the CVCOG confirming the name or road number is reserved for roads laid out in the subdivision.
- (c) All road signs must be designed in conformity with the active Texas Department of Transportation Manual on Uniform Traffic Control Devices.
- (d) A developer must dedicate any new roads, streets, rights-of-way, alleys, or easements, in the manner required by law to set aside such roads, streets, rights-of-way, alleys, or easements to public use. Private subdivisions must comply with the CVCOG 9-1-1 requirements.

**EXHIBIT J:**

**NON-MHRC DEVELOPMENT STANDARDS**

- (1) **Introduction.** Development projects in the unincorporated area of Irion County, Texas which do not qualify for regulation as MHRC development pursuant to these Regulations (such as trailer parks, RV parks, Tiny Home sites, and Man Camps) -- but do qualify for regulation as subdivision development projects under these Regulations -- will be regulated by the County as subdivisions pursuant to these Regulations, including the applicable provisions of this **Exhibit J**. Pursuant to § 232.101 of the Texas Local Government Code and other authority, in addition to compliance with the provisions and related standards described in the Regulations' main-body for subdivisions, those non-MHRC development projects which qualify for regulation as subdivisions under these Regulations also shall comply with the additional provisions and standards described in this **Exhibit J**.
- (2) **Non-MHRC Development Project Defined.** As used in this **Exhibit J**, a "Non-MHRC Development Project" shall mean an RV Park, trailer park, Tiny Home development, Man Camp, or campground, created after the effective date of these Regulations, and which: (a) does not qualify for regulation as a Manufactured Home Rental Community (MHRC) pursuant to these Regulations; but (b) does qualify for regulation as a subdivision pursuant to these Regulations.
- (3) A Non-MHRC Development Project, as herein described, shall comply with all applicable subdivision procedures and standards for plat approval described in these Regulations, including this **Exhibit J**.
- (4) **Regulations.**
- (a) The Developer must have a final plat prepared and approved by the Commissioners Court that complies with these Regulations.
  - (b) These Regulations do not apply to a Developer accommodating no more than one (1) Non-MHRC Development Project lodging spaces on the property at any one time.
  - (c) Prior to commencement of any construction, the Developer must consult with the County Commissioner having jurisdiction over the development site for review.
- (5) **Infrastructure Requirements.** The subdivision plat application for a Non-MHRC Development Project must include the following matters.
- (a) A survey is required identifying the proposed project boundaries and any significant land feature of the project, including the proposed location of lots or spaces, utility easements and dedication of rights-of-way. The survey should contain features to provide the additional information required by the Regulations.

- (b) A reasonable specified description is required (see **Appendix/Exhibit C** and § 4.1(H) of the Regulations) of means and methods to provide adequate drainage in accordance with standard engineering practices, including specifying necessary drainage culverts and identifying areas included in the 100-year flood plain. The placement of any structure within the regulatory floodplain shall be in accordance with the Irion County Floodplain regulations or flood damage prevention order.
- (c) A reasonable specified description is required of means and methods to provide an adequate public or community water supply (see § 4.1(G)(M) of the Regulations), including specifying the location of supply lines, in accordance with Subchapter C, Chapter 341, Health and Safety Code. If water is to be provided by a utility, a certification by the utility that water is available for each of the planned spaces or lots must be attached to the plan.
- (d) A certification is required that adequate groundwater is available for the development by the local Water District is required (see Appendix/Exhibit G and § 4.1(G)(M) of the Regulations). If groundwater is the source of water supply for the development, the Developer is required to obtain certification, by a licensed professional engineer or geoscientist registered to practice in Texas, that adequate groundwater is available for the development, according to the certificate form and content as promulgated by the Texas Commission on Environmental Quality (Lack of certification that suitable and adequate groundwater is available is grounds for denial of plat approval, if groundwater is the proposed source of water). The certification document shall be recorded as part of the dedication instrument and a note shall be placed on the plat that groundwater is to be the source of water.
- (e) Certification of adequate sewerage is required as follows:
  - (i) A reasonably specified description of means and methods (see § 4.1(G) of the Regulations) to provide access to sanitary sewer lines, including specifying the location of sanitary sewer lines is required. If sewage treatment is to be provided by a utility, a certification by the utility that service for each of the planned spaces or lots is available must be attached to the plan. If the sewage is to be treated in some other way, approval by the relevant government agency that is to license or inspect the treatment facilities must be attached.
  - (ii) Alternatively, a reasonably specified description of means and methods (see § 4.1(G) of the Regulations) for providing onsite sewage facilities (OSSF) in accordance with Chapter 366, Texas Health and Safety Code is required if the estimated sewage flow does not exceed 5,000 gallons per day (gpd). This description of “means and methods” must meet minimum State standards established under Texas law, including Chapter 285.4 of

the OSSF rules in the Texas Administrative Code, and if applicable, the Irion County local OSSF order. Approval by the State OSSF permitting/enforcement officer's certificate, or approval by the County OSSF permitting/enforcement officer's certificate if applicable, must be attached to the plat.

- (iii) A reasonably specified description of means and methods for providing sewage treatment and disposal pursuant to minimum State standards and under Chapter 26 of the Texas Water Code is required if the estimated sewage flow exceeds 5,000 gpd. And approval by Texas Commission on Environmental Quality must be attached to the plan.
  - (f) A reasonably specified description is required of means and methods for streets or roads in the development site to provide ingress and egress for fire and emergency vehicles. The road design and construction standards contained in these Regulations are therefore incorporated by reference as fully and completely as if set out verbatim herein. The street or road specifications must comply with those standards to the maximum degree practicable. Building set-backs shall be as specified in these Regulations for subdivisions. Drainage design for the development shall comply with these Regulations for subdivisions.
  - (g) Each individual lot, space, or designated area for lodging must be clearly defined.
  - (h) Non-MHRC Development Projects must be designed so that each such space reasonably must afford safe and sufficient: (i) parking and maneuvering space so that the parking, loading, and movement of any vehicles will not necessitate the use of any public right-of-way or privately owned property which may be adjacent to the development site; and (ii) access, parking, and maneuvering space for emergency vehicle traffic.
  - (i) Each such space that is provided with electrical service must be so served through an underground distribution system. Other buildings within the development site may receive electrical service through overhead facilities.
  - (j) [Intentionally blank].
  - (k) Said spaces must be improved with either: compacted crushed road base material or asphalt; or concrete adequate to support the weight of a recreational vehicle.
  - (l) Said spaces must not heave, shift, or settle unevenly under the weight of a vehicle due to frost action, inadequate drainage, vibration or other forces acting on the structure.
- (6) **Internal Roads.**

- (a) All weather private roads adequate to provide access to each lodging or camping space must be laid out, constructed, and maintained in good condition by the Developer and be at least twenty-four (24') feet wide.
- (b) An entrance to the development site must be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets.

(7) **Building and Property Requirements.**

- (a) A plat application for a Non-MHRC Development Project must comply with the minimal standards for subdivisions in the Regulations and this **Exhibit J**.
- (b) Each Non-MHRC Development Project must provide and maintain one or more service buildings for the use of patrons. The service buildings must include:
  - (i) one lockable lavatory (a room or compartment with a toilet and washbasin) for women;
  - (ii) one lockable lavatory (a room or compartment with a toilet and washbasin) for men;
  - (iii) one shower and dressing accommodation for each sex, provided in an individual lockable compartment or stall, and lavatory and shower accommodations may be combined in a lockable enclosure;
  - (iv) one clothes washing machine and one clothes drying machine; and
  - (v) one slop sink, measuring not less than 14 by 14 inches square and 14 inches deep.
- (c) The service buildings must accommodate not more than 50 spaces or lodging sites. For each additional 1 to 30 spaces or lodging sites (after the first 50), the Developer must provide and maintain an additional lockable lavatory – being a room or compartment with a toilet and washbasin for women, and an additional lockable lavatory for men, with an additional lockable shower accommodation for each.
- (d) For each additional 1 to 30 spaces or lodging sites (after the first 50), the must provide and maintain one additional washing machine and drying machine and one additional slop sink.
- (e) All lavatories must comply with the federal Americans with Disabilities Act.
- (f) Service buildings housing sanitation or laundry facilities must be permanent

structures which comply with all applicable laws and ordinances regulating buildings, electrical installation, plumbing and sanitation systems, and confirm to the following minimum standards:

- (i) Service buildings must afford appropriate illumination, be well ventilated with screened openings, and be constructed of moisture-proof materials so as to permit frequent cleaning and washing.
  - (ii) Floors must be constructed of concrete or other equally impervious material, so as to permit frequent cleaning and washing, and include floor drains which are connected to the sanitary sewer.
  - (iii) Chemical cleaners used must be used only in accordance with TCEQ rules.
- (g) The lavatory and other sanitation facilities for males and females either must be in separate buildings or separated, if in the same building, by soundproof walls.
  - (h) All service buildings must be maintained in a clean, sanitary condition and kept free of any condition that will menace the health of any person or constitute a nuisance.
  - (i) An operator must provide and maintain garbage receptacles as follows: (i) minimum of one ( 1) fly tight, water tight, rodent proof dumpster for the first fifty (50) spaces or lodging sites, with one (1) additional dumpster for each additional fifty (50) spaces or lodging sites; (ii) refuse container stands must be provided for all refuse containers – and such stands must be designed so as to prevent their containers from being tipped, to minimize spillage and container deterioration; (iii) the storage, collection, and disposal of refuse in a recreational vehicle park must be conducted as to create no health hazards; and (iv) all dumpsters must be screened from public view.
  - (j) Fuel containers in a Non-MHRC Development Project must comply with the following restrictions: (i) bottled gas must not be used at individual recreational vehicle, tiny home or camp ground space unless the containers are properly connected by copper or other suitable tubing; and (ii) bottled gas cylinders must be securely fastened in place.
  - (k) The Developer must provide and maintain fire protection equipment as follows regarding a Non-MHRC Development Project:
    - (i) The project site must be equipped at all times with fire extinguishing equipment in good working order of such type, size, and number and so located within as to satisfy the applicable regulations of the County.

- (ii) No open fires will be permitted within the project site, except that this will not be construed to prevent barbecuing in a secure pit or grill.
  - (iii) The Developer must maintain the entire project area free of dry brush, leaves, and weeds.
- (8) **Additional Regulations.** Persons developing the Non-MHRC Development Projects should be aware that these Regulations are not the exclusive law or set of regulations controlling development in the County. The following is only a partial list of regulations which may apply:
  - (a) All subdivisions within the extra territorial jurisdiction of a municipality may be subject to city subdivision regulations, or regulations applied by virtue of an interlocal governmental cooperation agreement between a city and the County.
  - (b) Said Projects are subject to regulations of general applicability, including public health nuisances under Chapter 341 and 343 of the Texas Health and Safety Code, and the Developer must address solid waste disposal, rodent and insect harboring, fly breeding, and improper water disposal in accordance with said authority.
  - (c) Other agencies with regulatory authority that may apply to said Projects include without limitation Emergency Services Districts, TCEQ, the Public Utilities Commission, the United States Parks and Wildlife Service, the Environmental Protection Agency and the U.S. Army Corps of Engineers.

**EXHIBIT K:**

**VOLUNTARY CONCEPT PLAN CHECKLIST**

This voluntary form (if this procedure is voluntarily selected) must be completed and returned to the Office of the Irion County Clerk before a meeting will be set for discussing a Voluntary Concept Plan. At the time of the meeting, you must have previously provided the County with this fully executed form and: (a) your Concept Plan; and (b) 2-drawings of the proposed development in sketch form with topography (USGS or better) and floodplain locations clearly marked on the drawings.

Name of Subdivision: \_\_\_\_\_

Location of Subdivision: \_\_\_\_\_

County Commissioner Precinct No. \_\_\_\_\_

Owner/Developer: \_\_\_\_\_ Phone: \_\_\_\_\_

Surveyor: \_\_\_\_\_ Phone: \_\_\_\_\_

Is this part of an existing subdivision? Yes ( ) No ( )

If yes, Name: \_\_\_\_\_ Recording Volume \_\_\_\_\_,

Page \_\_\_\_\_, Instrument No. \_\_\_\_\_

Have you checked with the following authorities (not all may be required)?

City (in ETJ)	Yes	No
US Post Office	Yes	No
Texas Department of Transportation	Yes	No
County Clerk for Subdivision Name Duplication	Yes	No
911 for Addressing and Road Names	Yes	No
On-Site Sewage Facilities Administrator	Yes	No
County Flood Plain Administrator	Yes	No
Local Water District (Groundwater Conservation District)	Yes	No

Water/Wastewater Provider: \_\_\_\_\_

Communications Provider: \_\_\_\_\_

Electric/Gas Provider: \_\_\_\_\_ School

District: \_\_\_\_\_

Number of Acres: \_\_\_\_\_ Number of Lots: \_\_\_\_\_ Min. Lot Size (Acres):

\_\_\_\_\_ Max. Lot Size (Acres): \_\_\_\_\_

Special Circumstances (if any, including potential variance matters): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**SUBMITTED TO IRION COUNTY:**

**Owner/Developer:** \_\_\_\_\_

**By:** \_\_\_\_\_

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

**Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_, 20\_\_\_\_

**RECEIVED BY IRION COUNTY:**

**By:** \_\_\_\_\_

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

**Title:** \_\_\_\_\_

**Irion County, Texas**

**Date:** \_\_\_\_\_, 20\_\_\_\_