

KIMBLE COUNTY COMMISSIONERS COURT
CALLED MEETING – JULY 12, 2024 @ 9:00 AM

The Honorable Commissioners Court met on the above date and time at the Kimble County Courtroom, 501 Main Street, Junction, Texas 76849. The following minutes were taken with regard to that meeting and are reflected below as accurately and to the best of my ability below:

COURT PRESENT:

Commissioner Precinct 1 Brayden Schulze (ABSENT)
Commissioner Precinct 2 Kelly Simon
Commissioner Precinct 3 Dennis Dunagan
Commissioner Precinct 4 Kenneth Hoffman
County Judge Hal A. Rose
County/District Clerk Karen E. Page

ELECTED OFFICIALS PRESENT:

Sheriff Allen Castleberry
Justice of the Peace Josh Cantrell (ABSENT)
Treasurer Billie Stewart (ABSENT)
County Attorney Andrew Heap (ABSENT)

VISITORS: SEE ATTACHED LIST (If Applicable)

AGENDA:

1. Call to order.
 - a. Meeting called to order at 9:01am
 - b. Invocation 9:02am
 - c. Pledge 9:03am
2. Convene meeting and establish quorum.
 - a. Quorum established
3. Public comments are welcome. Please limit comments to five minutes or less.
 - a. None
4. Consideration, discussion, and possible action regarding potential amendments to Kimble County Subdivision and Manufactured Home Rental Community Regulations.

PUBLIC HEARING – Pursuant to Chapter 232 of the Texas Local Government Code and other authority, a public hearing will be conducted by the Commissioners Court at this meeting regarding the proposed Subdivision and Manufactured Home Rental Community Regulations for Kimble County, Texas (“Regulations”), said hearing to occur in the County Courtroom of the Kimble County Courthouse

located at 501 Main Street, Junction, Texas 76849. The proposed Regulations may be reviewed and copied during regular business hours at the business office of the Hon. Hal A. Rose, the County Judge of Kimble County, Texas, in the Kimble County Courthouse located at the aforesaid address in Junction, Texas 76849 (telephone 325-446-2724).

EXECUTIVE/CLOSED SESSION – An executive/closed session meeting may be held (as needed) pursuant to Sections 551.071(2) and 551.129 of the Texas Government Code (consultation with attorneys) for the Commissioners Court to consult with and seek advice from its attorneys regarding: (a) the active and proposed subdivision and manufactured home rental community regulations for Kimble County, Texas; (b) enactment procedure for county development regulations; and (c) any other matter described in this meeting agenda.

DISCUSSION AND POTENTIAL ACTION -- Discussion and potential action may occur regarding: (a) pursuant to Chapter 2007 of the Texas Government Code and other authority, the consideration of approval of a takings impact assessment (“TIA”) regarding the proposed Subdivision and Manufactured Home Rental Community Regulations for Kimble County, Texas (“Regulations”); (b) the scheduling of a future public meeting of the Commissioners Court to consider approval and enactment of the Regulations, and the issuance of public notice regarding said meeting, the approved TIA, and the Regulations as required by law; and (c) all related matters.

- a. Chuck Kimbrough, County outside counsel present
- b. Judge Rose reads public hearing notice at 9:04am, clarifying changes are due to a change in law and give the County the ability to grant variances after question from Junction Eagle on the purpose of these changes
- c. Ben Thomson, local surveyor, concerned with subdivision rules pertaining to PLAT requirement and engineering properties the surveyor should not sign off on, Chuck Kimbrough addresses his concerns:
 - i. Revision of subdivision rules, adding local variance, to help smaller individuals (not big builders) not get caught up in the already complicated rules
 - ii. Help address individuals trying to “divide” property to gift/sell to other family members for the purpose of building a single dwelling, i.e. not trying to sell multiple lots. Changes in state law pg 11 3.1A
 - iii. Past 30 years Commissioners were allowed to question all roads, new law says all lots over 10 acres are exempt, no public dedicated roads are also exempt
- d. Other issues/ concerns gaps in the law regarding water/ ground water study

- i. Page 18 changes to groundwater availability study required effective January 1, 2024
 - ii. New requirement on page 19, changed from “may” to “shall” require if it is a subdivision that can’t claim an exemption
- e. Changes to County engineering consultants located in appendix
- f. Changes to fee schedule
- g. When do these changes take place? Next steps – approve the TIA (Taking Impact Assessment) today, publish in the paper, sits for 30 days, final approval set for August 27, 2024
- h. Public hearing closed at 10:05am, Motion to move into executive session made and entered into at 10:05am
- i. Move back to public session for vote at 11:15am
- j. Motion to approve TIA and continue with next step of publication in the local newspaper to be published in the July 17th paper and authorize outside counsel to work with the newspaper for 30 day waiting period and set final meeting for August 27, 2024 at 8:30am made by Commissioner Hoffman, second by Commissioner Dunagan, all present in favor, motion carried

5. Adjournment.

- a. Motion to adjourn the meeting made by Commissioner Simon, second by Commissioner Dunagan, all present in favor, motion carried at 11:55am

There being no further business, Court adjourned this 12th day of July, 2024

/S/ HAL A ROSE

Hal A. Rose, Kimble County Judge

Attest: /S/ KAREN E. PAGE

Karen E. Page, County Clerk

KIMBLE COUNTY CALLED COMMISSIONERS COURT MEETING

Notice is hereby given that the Kimble County Commissioners Court will convene a called meeting in the County Courtroom of the Kimble County Courthouse, 501 Main Street, Junction, Texas 76849, at 9:00 a.m. on Friday, July 12, 2024

AGENDA

1. Call to order.
2. Convene meeting and establish quorum.
3. Public comments are welcome. Please limit comments to five minutes or less.
4. Consideration, discussion, and possible action regarding potential amendments to Kimble County Subdivision and Manufactured Home Rental Community Regulations.

PUBLIC HEARING – Pursuant to Chapter 232 of the Texas Local Government Code and other authority, a public hearing will be conducted by the Commissioners Court at this meeting regarding the proposed Subdivision and Manufactured Home Rental Community Regulations for Kimble County, Texas (“Regulations”), said hearing to occur in the County Courtroom of the Kimble County Courthouse located at 501 Main Street, Junction, Texas 76849. The proposed Regulations may be reviewed and copied during regular business hours at the business office of the Hon. Hal A. Rose, the County Judge of Kimble County, Texas, in the Kimble County Courthouse located at the aforesaid address in Junction, Texas 76849 (telephone 325-446-2724).

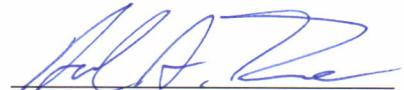
EXECUTIVE/CLOSED SESSION – An executive/closed session meeting may be held (as needed) pursuant to Sections 551.071(2) and 551.129 of the Texas Government Code (consultation with attorneys) for the Commissioners Court to consult with and seek advice from its attorneys regarding: (a) the active and proposed subdivision and manufactured home rental community regulations for Kimble County, Texas; (b) enactment procedure for county development regulations; and (c) any other matter described in this meeting agenda.

DISCUSSION AND POTENTIAL ACTION -- Discussion and potential action may occur regarding: (a) pursuant to Chapter 2007 of the Texas Government Code and other authority, the consideration of approval of a takings impact assessment (“TIA”) regarding the proposed Subdivision and Manufactured Home Rental Community Regulations for Kimble County, Texas (“Regulations”); (b) the scheduling of a future public meeting of the Commissioners Court to consider approval and enactment of the Regulations, and the issuance of public notice regarding said meeting, the approved TIA, and the Regulations as required by law; and (c) all related matters.

5. Adjournment.

This notice is given and posted pursuant to the Texas Open Meetings Act, Title 5, Chapters 551 and 552, Texas Government Code.

Filed July 3, 2024
at 1:22 o'clock P.M.
Karen E. Page
Karen E. Page, County Clerk, Kimble County, Texas


Hal A. Rose, County Judge

COMMISSIONER'S COURT
MEETING 7/12/2024

VISITORS PLEASE SIGN IN

1	C/S Thornton
2	Shunli
3	C R Kimbrough
4	Andrew Burrows
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KIMBLE COUNTY, TEXAS -- PUBLIC HEARING NOTICE

Pursuant to Chapter 232 of the Texas Local Government Code and other authority, Kimble County, Texas ("County"), by and through its governing body, the Kimble County Commissioners Court ("Commissioners Court"), gives notice of intent to consider and adopt proposed Subdivision and Manufactured Home Rental Community Regulations for Kimble County, Texas ("Regulations") after compliance with all notice required by law.

The proposed Regulations may be reviewed and copied during regular business hours at the business office of the Hon. Hal A. Rose, the County Judge of Kimble County, Texas, in the Kimble County Courthouse located at 501 Main Street, Junction, Texas 76849 (telephone 325-446-2724).

A public hearing will be conducted regarding the proposed Regulations by the Commissioners Court at its public meeting on July 12, 2024, said meeting to begin at 9:00 a.m. in the County Courtroom of the Kimble County Courthouse located at 501 Main Street, Junction, Texas 76849.

The proposed Regulations are designed, among other things, to govern plats, subdivisions of land, and manufactured home rental communities ("MHRC") in the unincorporated area of Kimble County, Texas in order 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; prevent colonias or other substandard development; and ensure that adequate plats, plans, design and planning procedure, water, sewer, septic, and OSSF facilities and infrastructure, and utility, drainage, and transportation facilities and infrastructure are provided in the unincorporated area of the county.

The proposed Regulations contain standards, requirements, and procedure for subdivision plats and related subdivision development, and MHRC infrastructure development plans and related MHRC development, in the unincorporated area of the county, and among other things relate to the following matters: required compliance with applicable federal law, state law, and County regulations; accomplishment of all public purposes described in the Regulations; definitions, an interpretation guide, establishment of an effective date, compliance with the Texas Open Meetings Act, application of certain legal authority, and other administrative provisions; development, design, and construction requirements regarding land development in the unincorporated area; subdivision plat procedure and review provisions, including requirements for approval and recordation, exceptions or exemptions, variances, revision, vacation, amendment, subdivision regulation in the extraterritorial jurisdiction of an incorporated municipality, and other procedural matters; MHRC infrastructure development plan standards, requirements, and procedure (relating to drainage, water, wastewater, survey, roads, and lawful authority compliance matters), and including restrictions on MHRC construction and occupancy unless first approved by the County; bond or other financial security requirements; a fee schedule and related procedure; subdivision plat and MHRC infrastructure plan requirements relating to

formatting, form, scope, content, disclosure, signature, certification, and document submission procedure and requirements; division of land standards; survey, topographical data, lot/block, monumentation, and other disclosure requirements; water, sewer, septic, and OSSF facilities and service requirements, including compliance with minimum state and County standards; engineer, surveyor, and geoscientist review, analysis, and disclosure requirements regarding water availability and related facilities, wastewater requirements and related facilities, drainage, floodplain, and stormwater management requirements and related facilities, and other technical matters; utility standards and service requirements, including compliance with minimum state and County standards and disclosure requirements; floodplain identification, stormwater management, and drainage requirements, including descriptions, plans, and disclosure; requirements for road access, design, construction, and safety; requirements for drainage plans and related drainage facilities; requirements for lot frontage and building and set-back lines; purchase contract disclosure requirements and procedure related to water availability and other matters; groundwater availability, sufficiency, certification, and disclosure requirements pursuant to Section 232.0032 of the Texas Local Government Code, Sections 230.1 through 230.11 of Title 30 of the Texas Administrative Code, and other authority; requirements for fire safety and fire suppression systems and disclosure; lienholder identification and lien subordination requirements; limitations and restrictions on the use of firearms, bows, and arrows regarding certain lots in subdivisions; compliance with local groundwater conservation district regulations; emergency vehicle access requirements; limitations and restrictions regarding subdivision plat or MHRC approval by the County; enforcement remedies and penalties, both civil and criminal in nature; county inspection rights; and appendix documents in the form of or relating to application forms with required document lists, drainage standards, a fee schedule, developer road damage and repair provisions, bond or other financial security requirements, and a certification of groundwater availability form.

Should you have questions regarding this matter, please contact during regular business hours the County Judge of Kimble County, Texas at his business office address and telephone number previously described in this notice. Please make plans to attend the public meeting and public hearing regarding the proposed Regulations.

Filed June 24, 2024
at 12:37 o'clock P
Karen E. Page
Karen E. Page, County Clerk, Kimble County, Texas

**KIMBLE COUNTY, TEXAS – PUBLIC NOTICE REGARDING APPROVAL OF:
TAKINGS IMPACT ASSESSMENT FOR PROPOSED COUNTY SUBDIVISION
AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS;
AND SCHEDULING OF PUBLIC MEETING TO CONSIDER APPROVAL
AND ENACTMENT OF SAID REGULATIONS**

Kimble County, Texas (“County”) gives notice pursuant to Chapter 2007 of the Texas Government Code (“Chapter 2007”) and other authority that a takings impact assessment (“TIA”) was approved on July 12, 2024 by the Kimble County Commissioners Court (“Commissioners Court”) at its public meeting regarding the following proposed governmental action: the proposed approval and enactment of the proposed 2024 Subdivision and Manufactured Home Rental Community Regulations for Kimble County, Texas (“Regulations”).

The County gives notice of its intent to consider the approval and adoption of the Regulations, pursuant to all notice required by law, at the public meeting of the Kimble County Commissioners Court on August 27, 2024, said meeting to begin at 8:30 a.m. in the County Courtroom of the Kimble County Courthouse located at 501 Main Street, Junction, Texas 76849.

The TIA and the Regulations may be reviewed and copied during regular business hours at the business office of the Hon. Hal A. Rose, the County Judge of Kimble County, Texas, in the Kimble County Courthouse located at 501 Main Street, Junction, Texas 76849 (telephone 325-446-2724).

Please note the following summary regarding the contents of the proposed Regulations and determinations made by the County in the TIA:

(1) The Regulations are authorized to be enacted by the County pursuant to the authority described in the TIA and the Regulations. The Regulations are designed, among other things, to govern plats, subdivisions of land, and manufactured home rental communities (“MHRC”) in the unincorporated area of Kimble County, Texas in order 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; prevent colonias or other substandard development; and ensure that adequate plats, plans, design and planning procedure, water, sewer, septic, and OSSF facilities and infrastructure, and utility, drainage, and transportation facilities and infrastructure are provided in the unincorporated area of the county.

(2) The Regulations contain standards, requirements, and procedure for subdivision plats and related subdivision development, and for MHRC infrastructure development plans and related MHRC development, in the unincorporated area of the county, and among other things relate to the following matters: required compliance with applicable federal law, state law, and County regulations; accomplishment of all public purposes described in the Regulations; definitions, an interpretation guide, establishment of an effective date, compliance with the Texas Open Meetings Act, application of certain legal authority, and other administrative provisions; development, design, and construction requirements regarding land development in the unincorporated area; subdivision plat procedure and review provisions, including requirements for approval and recordation, exceptions or

exemptions, variances, revision, vacation, amendment, subdivision regulation in the extraterritorial jurisdiction of an incorporated municipality, and other procedural matters; MHRC infrastructure development plan standards, requirements, and procedure (relating to drainage, water, wastewater, survey, roads, and lawful authority compliance matters), and including restrictions on MHRC construction and occupancy unless first approved by the County; bond or other financial security requirements; a fee schedule and related procedure; subdivision plat and MHRC infrastructure plan requirements relating to formatting, form, scope, content, disclosure, signature, certification, and document submission procedure and requirements; division of land standards; survey, topographical data, lot/block, monumentation, and other disclosure requirements; water, sewer, septic, and OSSF facilities and service requirements, including compliance with minimum state and County standards; engineer, surveyor, and geoscientist review, analysis, and disclosure requirements regarding water availability and related facilities, wastewater requirements and related facilities, drainage, floodplain, and stormwater management requirements and related facilities, and other technical matters; utility standards and service requirements, including compliance with minimum state and County standards and disclosure requirements; floodplain identification, stormwater management, and drainage requirements, including descriptions, plans, and disclosure; requirements for road access, design, construction, and safety; requirements for drainage plans and related drainage facilities; requirements for lot frontage and building and set-back lines; purchase contract disclosure requirements and procedure related to water availability and other matters; groundwater availability, sufficiency, certification, and disclosure requirements pursuant to Section 232.0032 of the Texas Local Government Code, Sections 230.1 through 230.11 of Title 30 of the Texas Administrative Code, and other authority; requirements for fire safety and fire suppression systems and disclosure; lienholder identification and lien subordination requirements; limitations and restrictions on the use of firearms, bows, and arrows regarding certain lots in subdivisions; compliance with local groundwater conservation district regulations; emergency vehicle access requirements; limitations and restrictions regarding subdivision plat or MHRC approval by the County; enforcement remedies and penalties, both civil and criminal in nature; county inspection rights; and appendix documents in the form of or relating to application forms with required document lists, drainage standards, a fee schedule, developer road damage and repair provisions, bond or other financial security requirements, and a certification of groundwater availability form.

(3) The County is a covered governmental entity pursuant to Chapter 2007 and the Texas Attorney General guidelines (“Guidelines”) for TIA analysis; however, the Regulations are exempt from coverage under or application to Chapter 2007 and no covered governmental action has been identified pursuant to the TIA analysis, and/or a No Private Real Property Impact Determination was made by the Commissioners Court regarding its proposed action to approve and enact the Regulations.

(4) Pursuant to Chapter 2007 and the Guidelines, the Commissioners Court determined that: (a) the proposed action of the County (the proposed enactment of the Regulations) has been fully assessed for its potential impact on private real property rights, and further, said action is exempt from coverage under or application to Chapter 2007; (b) no new public

interests are purported to be created, established, or transferred to the County by the Regulations; (c) no or minimal new burdens or restrictions are imposed or created by the Regulations with respect to any private real property, and further, the County's proposed action will not result in a burden on private real property as defined by Chapter 2007; (d) no taking of private real property or rights in private real property as defined by Chapter 2007 will occur as a result of the County's proposed action and enactment of the Regulations; and (e) a No Private Real Property Impact Determination was made by the County regarding its proposed action and enactment of the Regulations.

Should you have questions regarding this matter, please contact during regular business hours the Hon. Hal A. Rose, the County Judge of Kimble County, Texas, at his business office located in the Kimble County Courthouse at 501 Main Street, Junction, Texas 76849 (telephone 325-446-2724).

Filed July 15, 2024
at 1:19 o'clock P M
Karen E. Page
Karen E. Page, County Clerk, Kimble County, Texas

**TAKINGS IMPACT ASSESSMENT REGARDING PROPOSED 2024 SUBDIVISION
AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS
FOR KIMBLE COUNTY, TEXAS**

Introduction

- (1) On this the 12th day of July, 2024, and pursuant to Chapter 2007 of the Texas Government Code and other authority, Kimble County, Texas, by and through its Commissioners Court, hereby approves and adopts this Takings Impact Assessment regarding the following proposed governmental action: the proposed approval, adoption, and enactment of the proposed 2024 Subdivision and Manufactured Home Rental Community Regulations for Kimble County, Texas (“Regulations”) pursuant to the express and implied authority of the County to enact the Regulations under Chapter 232 of the Texas Local Government Code and all other authority described in the proposed Regulations and this instrument, the contents of which are incorporated by reference.

Definitions and Interpretation

- (2) The following terms shall have the following meanings, unless otherwise designated, whether a term appears in capital letters or in bold, italicized, or underlined print:
- (a) “Act” or “Chapter 2007” shall mean Chapter 2007 of the Texas Government Code, the Texas Private Real Property Rights Preservation Act (*see* TEX. GOV’T CODE §§ 2007.001-.045);
 - (b) “Chapter 232” shall mean Chapter 232 of the Texas Local Government Code (*see* TEX. LOC. GOV’T CODE §§ 232.001-232.901).
 - (c) “Colonias” shall mean substandard, generally impoverished, rural subdivisions or other development that lack basic utilities and other infrastructure;
 - (d) “County” shall mean Kimble County, Texas, acting by and through its Commissioners Court (“Commissioners Court”), the County’s governing body;
 - (e) “County floodplain regulations” shall mean the flood damage prevention order or other floodplain management regulations adopted by the County;
 - (f) “County sewer, septic, and OSSF regulations” shall mean the sewer, septic, and OSSF regulations adopted by the County;
 - (g) “Guidelines” shall mean the guidelines developed by TXOAG for analysis and implementation of a takings impact assessment pursuant to Chapter 2007;

- (h) “MHRC” shall mean manufactured home rental community development as defined by Chapter 232 and the Regulations;
 - (i) “NFIP” shall mean the National Flood Insurance Program pursuant to 42 U.S.C. §§ 4001 *et seq.*, 44 C.F.R. Ch. I, subch. B, parts 59, 60, and other authority;
 - (j) “OSSF” shall mean septic and onsite sewage facilities;
 - (k) “Proposed action,” “proposed governmental action,” “order,” or “project” shall mean the County’s final approval, adoption, and enactment of the Regulations;
 - (l) “Regulations” shall mean the proposed 2024 Subdivision and Manufactured Home Rental Community Regulations for Kimble County, Texas, the contents of which are incorporated by reference;
 - (m) “State sewer, septic, and OSSF regulations” shall mean the sewer, septic, and OSSF regulations applicable for use in Kimble County, Texas pursuant to the Texas statutes, TCEQ regulations, or other administrative agency regulations;
 - (n) “Stated Authority” shall mean Chapter 232 of the Texas Local Government Code, the NFIP and TFCIA, the State sewer, septic, and OSSF regulations, the County floodplain regulations, the County’s sewer, septic, and OSSF regulations, and all other authority described in this TIA and the Regulations;
 - (o) “TCEQ” shall mean the Texas Commission on Environmental Quality;
 - (p) “TFCIA” shall mean the Texas Flood Control and Insurance Act pursuant to Chapter 16, Subchapter I, of the Texas Water Code (TEX. WATER CODE §§ 16.311-.324);
 - (q) “TIA” shall mean a takings impact assessment pursuant to Chapter 2007; and
 - (r) “TXOAG” shall mean the Office of the Texas Attorney General.
- (3) 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.
 - (4) This TIA is approved and adopted by the County pursuant to and in compliance with Chapter 2007 and the other authority described in this instrument.

TXOAG Guidelines

- (5) According to TXOAG guidelines and Chapter 2007:
- (a) a TIA is required to describe the purpose of the proposed governmental action and whether it may constitute a taking of private real property rights under any constitutional or statutory takings theory described by Chapter 2007; and if so,
 - (b) the TIA is required among other things to identify any reasonable alternative action that might accomplish the same purpose and thereafter to evaluate such alternative, including whether it would constitute a taking as described by Chapter 2007; and further,
 - (c) Chapter 2007 describes a “taking” and “TIA” as follows (*see* TEX. GOV'T CODE §§ 2007.002, 2007.003, 2007.041-.043):
 - (i) a taking is a governmental action that affects private real property, in whole or in part or temporarily or permanently, in a manner that requires the governmental entity to compensate the private real property owner as provided by the Fifth and Fourteenth Amendments to the United States Constitution, or Sections 17 or 19 of Article I of the Texas Constitution; or
 - (ii) a taking is a governmental action that: (1) affects an owner's private real property that is the subject of the governmental action, in whole or in part or temporarily or permanently, in a manner that restricts or limits the owner's right to the property that would otherwise exist in the absence of the governmental action; and (2) is the producing cause of a reduction of at least 25 percent in the market value of the affected private real property, determined by comparing the market value of the property as if the governmental action is not in effect and the market value of the property determined as if the governmental action is in effect; and further
 - (d) a takings impact assessment (or TIA) must: (i) describe the specific purpose of the proposed action and identify (1) whether and how the proposed action substantially advances its stated purpose, and (2) the burdens imposed (if any) on private real property and the benefits to society resulting (if any) from the proposed use of private real property; (ii) determine whether engaging in the proposed governmental action will constitute a taking; and (iii) describe reasonable alternative actions that could accomplish the specified purpose and compare, evaluate, and in so doing, explain (1) how an alternative action would further the specified purpose, and (2) whether an alternative action would constitute a taking.

Notice of Public Meeting to Consider Approval of Proposed Regulations

- (6) The County gives notice of its intent to consider the approval and adoption of the Regulations, pursuant to all notice required by law, at the public meeting of the Kimble County Commissioners Court on August 27, 2024, said meeting to begin at 8:30 a.m. in the County Courtroom of the Kimble County Courthouse located at 501 Main Street, Junction, Texas 76849.

Proposed Regulations

- (7) The Regulations are authorized to be enacted by the County pursuant to the authority described in this TIA and the Regulations. The Regulations are designed, among other things, to govern plats, subdivisions of land, and manufactured home rental communities ("MHRC") in the unincorporated area of Kimble County, Texas in order 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; prevent colonias or other substandard development; and ensure that adequate plats, plans, design and planning procedure, water, sewer, septic, and OSSF facilities and infrastructure, and utility, drainage, and transportation facilities and infrastructure are provided in the unincorporated area of the county.
- (8) The Regulations contain standards, requirements, and procedure for subdivision plats and related subdivision development, and for MHRC infrastructure development plans and related MHRC development, in the unincorporated area of the county, and among other things relate to the following matters: required compliance with applicable federal law, state law, and County regulations; accomplishment of all public purposes described in the Regulations; definitions, an interpretation guide, establishment of an effective date, compliance with the Texas Open Meetings Act, application of certain legal authority, and other administrative provisions; development, design, and construction requirements regarding land development in the unincorporated area; subdivision plat procedure and review provisions, including requirements for approval and recordation, exceptions or exemptions, variances, revision, vacation, amendment, subdivision regulation in the extraterritorial jurisdiction of an incorporated municipality, and other procedural matters; MHRC infrastructure development plan standards, requirements, and procedure (relating to drainage, water, wastewater, survey, roads, and lawful authority compliance matters), and including restrictions on MHRC construction and occupancy unless first approved by the County; bond or other financial security requirements; a fee schedule and related procedure; subdivision plat and MHRC infrastructure plan requirements relating to formatting, form, scope, content, disclosure, signature, certification, and document submission procedure and requirements; division of land standards; survey, topographical data, lot/block, monumentation, and other disclosure requirements; water, sewer, septic, and OSSF facilities and service requirements, including compliance with minimum state and County standards; engineer, surveyor, and geoscientist review, analysis, and disclosure requirements regarding water availability and related facilities, wastewater requirements and related facilities, drainage, floodplain, and stormwater management requirements and related facilities, and other technical matters; utility standards and service requirements, including compliance with minimum state and County standards and disclosure

requirements; floodplain identification, stormwater management, and drainage requirements, including descriptions, plans, and disclosure; requirements for road access, design, construction, and safety; requirements for drainage plans and related drainage facilities; requirements for lot frontage and building and set-back lines; purchase contract disclosure requirements and procedure related to water availability and other matters; groundwater availability, sufficiency, certification, and disclosure requirements pursuant to Section 232.0032 of the Texas Local Government Code, Sections 230.1 through 230.11 of Title 30 of the Texas Administrative Code, and other authority; requirements for fire safety and fire suppression systems and disclosure; lienholder identification and lien subordination requirements; limitations and restrictions on the use of firearms, bows, and arrows regarding certain lots in subdivisions; compliance with local groundwater conservation district regulations; emergency vehicle access requirements; limitations and restrictions regarding subdivision plat or MHRC approval by the County; enforcement remedies and penalties, both civil and criminal in nature; county inspection rights; and appendix documents in the form of or relating to application forms with required document lists, drainage standards, a fee schedule, developer road damage and repair provisions, bond or other financial security requirements, and a certification of groundwater availability form.

Public Inspection of TIA and Proposed Regulations

- (9) This TIA and the Regulations may be reviewed and copied during regular business hours at the business office of the Hon. Hal A. Rose, the County Judge of Kimble County, Texas, in the Kimble County Courthouse located at 501 Main Street, Junction, Texas 76849 (telephone 325-446-2724).

TIA Analysis

- (10) Applying the TXOAG Guidelines, the County makes the following analysis and determinations regarding the County's proposed governmental action.

QUESTION 1: Is the Governmental Entity undertaking the proposed action a Governmental Entity covered by the Act, i.e., is it a "Covered Governmental Entity?"

ANSWER: Yes. The County is a governmental entity undertaking the proposed action. The County therefore is a "Covered Governmental Entity" pursuant to the Act and TXOAG Guidelines.

QUESTION 2: Is the proposed action to be undertaken by the Covered Governmental Entity an action covered by the Act, i.e., a "Covered Governmental Action?"

ANSWER: No. Pursuant to Chapter 2007 and the Stated Authority, the proposed Regulations and project are exempt from coverage under or application to the Act. The County's proposed action and enactment of the Regulations and project therefore do not constitute a Covered Governmental Action pursuant to the Act or TXOAG Guidelines, as hereafter described.

- (a) All contents of Items (1) through (9) and the answers to **QUESTIONS 1 and 3** of this TIA are incorporated by reference.
- (b) Under the Stated Authority, the County, among other things, has obligations in the unincorporated area designated by law as a floodplain to: regulate construction and other development; regulate water safety; prevent waste and subsidence; regulate sewer and on-site sewage/OSSF facilities; protect the rights of owners of interests in groundwater; promote the public health, safety and general welfare; and minimize public and private losses (including death, personal injury, and property damage) due to flood conditions. The Regulations contain provisions to require development compliance with these obligations, including but not limited to: plat and plan disclosure statements and descriptions regarding floodplain locations; compliance with the Stated Authority; efficient drainage and management of storm water runoff; coordination of drainage with the general drainage pattern for the area; reasonable specifications for the adequate drainage of roads; and compliance with minimum state and County standards regarding water, sewer, septic, OSSF, and/or utility facilities, connections, and service.
- (c) Under the Stated Authority, the County, among other things, has obligations in the unincorporated area to ensure reasonable drainage, including but not limited to: the efficient management of storm water runoff; the coordination of drainage with the general drainage pattern for the area; and compliance with minimum state and County standards regarding water, sewer, septic, OSSF, and/or utility facilities, connections, and service in order to avoid pollution and contamination caused through inadequate drainage. The Regulations contain provisions to require development compliance with these obligations.
- (d) Under the Stated Authority, the County, among other things, has obligations in the unincorporated area to regulate water safety, prevent waste and subsidence, and protect groundwater rights, including but not limited to requiring: purchase contract disclosures to describe the extent to which water will be made available to a subdivision, and if so, how and when it will be made available; plat and plan disclosure statements showing that adequate groundwater and/or surface water is available to service the proposed development; plat and plan disclosure statements certifying compliance with minimum state and County standards regarding proposed water, sewer, septic, and OSSF facilities, connections, and service; and compliance with applicable state and County sewer, septic, OSSF, and floodplain regulations. The Regulations contain provisions to require development compliance with these obligations.
- (e) Under the Stated Authority, the County, among other things, in the unincorporated area must require development to meet certain wastewater standards, and thus has certain obligations to regulate sewer, septic, and OSSF facilities of development sites in the unincorporated area. The Regulations contain provisions to require development compliance with these wastewater standards and obligations, including but not limited to: descriptions of the facilities to be constructed or

installed; plat and plan disclosure statements certifying compliance with minimum state and County standards; and compliance with the Stated Authority to protect public health, safety, and welfare.

- (f) The approval, adoption, and enactment of the Regulations shall constitute a reasonable, good faith action taken by the County to regulate subdivision and MHRC development sites in the unincorporated area, pursuant to the regulatory powers (express or implied) granted to the County by the Stated Authority to: fulfill mandatory obligations under federal, state, and local law; regulate construction in an area designated under law as a floodplain; regulate water safety, quality, and sufficiency; prevent waste and subsidence; protect rights of owners of interests in groundwater; regulate sewer and on-site sewage/OSSF facilities; prevent a grave and immediate threat to life or property; and provide a response to a real and substantial threat to public health and safety (including the occurrence of colonias or other substandard development), said action being designed to significantly advance the public health, safety, and welfare purposes, and said action not imposing a greater burden than is necessary to achieve that purpose.
- (g) As discussed in the answer to **QUESTION 3**, the enactment of the Regulations will not result in or require a physical taking, regulatory taking, exaction, or dedication of private real property pursuant to any constitutional or statutory takings theory described in Chapter 2007.
- (h) The Regulations and project therefore are exempt from coverage under or application to Chapter 2007, pursuant to the definitions, application requirements and exceptions authorized by §§ 2007.002-.003, 2007.041-.043 of the Texas Government Code and other authority.

QUESTION 3: Does the Covered Governmental Action result in a burden on “Private Real Property” as that term is defined in the Act?

ANSWER: No. Pursuant to Chapter 2007 and the Stated Authority, the County has determined the following regarding this question.

- (a) The Answer to **QUESTION 2** above is incorporated by reference. Pursuant to Chapter 2007 and the Stated Authority, the Regulations and project are exempt from coverage under or application to the Act. The County’s proposed action and enactment of the Regulations therefore do not result in a burden on private real property as defined by the Act.
- (b) The Texas Legislature and TCEQ (through the Stated Authority) have determined that the unrestricted subdivision or other development of land in the unincorporated area of counties may be detrimental to the public health, safety, and welfare due to nonexistent, inadequate, or dangerous utility facilities or operations, water and wastewater facilities or operations, drainage facilities or operation, and transportation infrastructure, facilities, or operation. The Commissioners Court

concurs with those positions and has determined that the enactment, implementation, and enforcement of the Regulations are necessary, desired, and advisable in order to: promote the health, safety, morals, and general welfare of Kimble County, Texas, and the safe, orderly, and healthful development of the unincorporated area of the county; prevent colonias or other substandard development in said area of the county; and ensure that adequate plats, plans, design and planning procedure, water, sewer, septic, and OSSF facilities, and utility, drainage, and transportation infrastructure are provided in said area of the county.

- (c) Pursuant to the Stated Authority, the public purposes of the Regulations include, among other things, the following matters: the Regulations shall govern plats, subdivisions of land, and manufactured home rental communities within the unincorporated area of the county in order to promote the health, safety, morals, and general welfare, and the safe, orderly, and healthful development of the unincorporated area of the county; and the Regulations shall ensure that adequate plats, plans, design and planning procedures, water, sewer, septic, and OSSF facilities, connections, and service (and related utility and transportation infrastructure) are provided in the unincorporated area of the county to prevent colonias or other substandard development. The enactment, implementation, and enforcement of the Regulations are authorized pursuant to the Stated Authority and shall accomplish or substantially advance all public purposes described in this TIA and the Regulations by requiring developer compliance and accountability regarding subdivision and MHRC development projects in order to protect the public health, safety, and welfare in the unincorporated area of the county.
- (d) The public benefits derived from the enactment, implementation, and enforcement of the Regulations in the unincorporated area cannot be overstated due to: the need to prevent colonias or other substandard development from occurring in the unincorporated area in order to protect the public health, safety, and welfare; the need to protect against diminishing property values as a result of the aforesaid colonias or other substandard development; and all other risks to the public health, safety, and welfare described in this TIA or the Regulations which can result from colonias or other substandard development.
- (e) Moreover, a critical need exists in the unincorporated area of Kimble County, Texas for the enactment of the Regulations in the public interest because unrestricted development in said area, among other things will: be detrimental to the conservation, preservation, and protection of scarce groundwater and surface water resources in the county and this west Texas region; reduce protection regarding pollution and unsanitary conditions resulting from the development of substandard and inadequate water and wastewater facilities; reduce protection regarding inadequate and unsafe drainage plans and facilities (including stormwater diversion and runoff); and be detrimental to public health, safety, and welfare by contributing to the decline of residential neighborhoods, the development of colonias or other substandard development, and the corresponding reduction of property values in the area of the proposed substandard development.

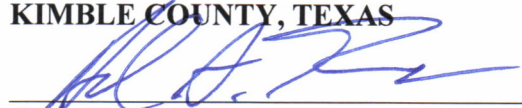
- (f) The Regulations require subdivision and MHRC development in the unincorporated area to occur in compliance with the Regulations and Stated Authority. Given the requirements of the Stated Authority, no new burdens or restrictions will be imposed or created by the Regulations with respect to private real property, as discussed below.
 - (i) The Regulations present a substantial benefit regarding the protection of public health, safety, and welfare as described in this TIA and the Regulations.
 - (ii) Existing development projects which may be affected by the enactment of the Regulations may continue to operate, provided they are not enlarged or expanded.
 - (iii) The enactment of the Regulations will not result in or require a physical or regulatory taking, or an exaction or dedication, of private real property pursuant to any constitutional or statutory takings theory described in Chapter 2007.
 - (iv) The enactment of the Regulations will not deprive an owner of affected real property of all economically viable uses of said property.
 - (v) It does not appear that the enactment of the Regulations will reduce the market value of affected real property or have a significant impact on the owner's economic interest relating to said property.
 - (vi) The enactment of the Regulations will not deny an affected real property owner the fundamental rights of real property ownership -- including without limitation the rights of title, possession, enjoyment, exclusion of unwanted persons from the property, and/or the conveyance or transfer of property interests.
 - (vii) The enactment of the Regulations will not result in new public interests regarding the subject real property which must be created, established, or transferred to or for the benefit of the County, and moreover, the Regulations will not require (as described by Chapter 2007) the (1) physical invasion, occupation, or other direct taking, (2) non-physical invasion, indirect, or regulatory taking, or (3) exaction, dedication, or other type of taking of affected private real property by or to the County.
- (g) As potential alternative actions, the County could:
 - (i) choose to modify the Regulations to reduce or diminish mandatory developer compliance with the minimum development standards and requirements now described in the Regulations and this instrument; and

- (ii) in such modified and diminished regulations, request the developers of affected private real property to self-regulate their development projects (by voluntary and demonstrated developer consent) in the form, scope, content, and manner described in the Regulations in the public interest; and
 - (iii) this potential alternative action would not constitute a taking under any constitutional or statutory takings theory described in Chapter 2007 due to the aforesaid voluntary and demonstrated consent of the developers to engage in such self-regulation.
- (h) This potential alternative action, however, is not viable given the circumstances existing in Kimble County, Texas because:
 - (i) the Regulations are authorized for enactment and enforcement by the County pursuant to the Stated Authority in order to protect the public health, safety, and welfare;
 - (ii) the alternative action (i.e., self-regulation) would not adequately promote and protect the public health, safety, and welfare, and the safe, orderly, and healthful development, of the unincorporated area -- by requiring, among other things, the provision of adequate plats, plans, design and planning procedures as herein described (including drainage), and water, sewer, septic, and OSSF facilities, connections, and service (including compliance with minimum state and County standards) -- given the risk now existing in the county for colonias or other substandard development to occur due to increased financial opportunities for land development in this region of Texas regarding the sale or lease of land (or lots or other divided parts of land) in the unincorporated area to the public for residential, recreational, or business development purposes;
 - (iii) the Regulations shall accomplish or substantially advance all public purposes described in this TIA and the Regulations; and
 - (iv) it is apparent therefore that no viable or practical alternative action to enactment of the Regulations exists in order to obtain the important development safeguards and protections to the public that will occur through the enactment, implementation, and enforcement of the Regulations as herein described.
- (i) No taking of private real property or rights in private real property, as defined by Chapter 2007, will occur as a result of the County's proposed action and enactment of the Regulations.
- (j) As stated, this TIA complies with the requirements of the TXOAG guidelines.
- (k) It is determined by the Commissioners Court that:

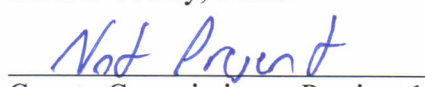
- (i) the proposed action of the County (i.e., the enactment of the proposed Regulations) has been fully assessed for its potential impact on private real property rights;
- (ii) the proposed action of the County is exempt from coverage under or application to Chapter 2007;
- (iii) the County's proposed action and enactment of the Regulations do not result in a burden on private real property as defined by Chapter 2007;
- (iv) a "No Private Real Property Impact Determination" is hereby made by the County regarding its proposed action and enactment of the Regulations; and
- (v) no further compliance with or analysis under Chapter 2007 is required by the TXOAG Guidelines.

ORDERED, APPROVED, AND ADOPTED on the 12th day of July, 2024.

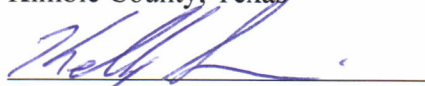
**THE COMMISSIONERS COURT OF
KIMBLE COUNTY, TEXAS**



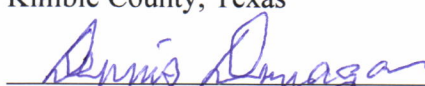
County Judge
Kimble County, Texas



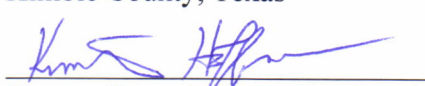
County Commissioner, Precinct 1
Kimble County, Texas



County Commissioner, Precinct 2
Kimble County, Texas

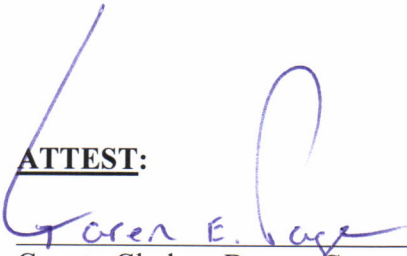


County Commissioner, Precinct 3
Kimble County, Texas



County Commissioner, Precinct 4
Kimble County, Texas

ATTEST:



County Clerk or Deputy County Clerk
Kimble County, Texas

