

Filed May 6, 2022 **1**

at 4:38 o'clock P M

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

REVISED PUBLIC HEARING DRAFT

SUBDIVISION AND MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS

FOR

KIMBLE COUNTY, TEXAS

EFFECTIVE DATE: ***, 2022**

TABLE OF CONTENTS

ARTICLE 1 -- ADMINISTRATIVE PROVISIONS	1
§ 1.1 Enactment	1
(A) County and Governing Body	1
(B) Declaration.....	1
§ 1.2 Public Purposes.....	1
(A) Identification.....	1
(B) Accomplishment	1
§ 1.3 Conditions Precedent and Notice.....	2
(A) Conditions Precedent	2
(B) Notice.....	2
§ 1.4 Effective Date	2
§ 1.5 Partial Invalidity.....	2
§ 1.6 Headings	2
§ 1.7 ETJ Regulation.....	2
§ 1.8 Adopted Authority	2
ARTICLE 2 -- DEFINITIONS, INTERPRETATION, AND APPENDIX	3
§ 2.1 Word Usage and Special Definitions.....	3
(A) Common Usage.....	3
(B) Special Definitions.....	3
§ 2.2 Interpretation and Appendix	6
(A) Tense, Gender, and Number	6
(B) Incorporation by Reference.....	6
(C) Minimum Requirements	7
(D) Superseding Effect.....	7
ARTICLE 3 -- PLAT PROCEDURE	7
§ 3.1 Plat Required for Division of Land.....	7
(A) Division Defined.....	7
(B) Scope of Division.....	7

§ 3.2 Plat Submission and Review.....7
 (A) Application.....7
 (B) Submission of Completed Application/Notice of Incomplete Application7
 (C) Review8

ARTICLE 4 -- PLAT SUFFICIENCY, EXCEPTIONS, AND VARIANCE8

§ 4.1 Minimum Plat Standards.....8
 (A) Lawful Compliance.....8
 (B) Acknowledgment and Recordation.....8
 (C) Surveyor and Engineer Certification9
 (D) Property Description, Identifying Data, and Signatures9
 (E) Survey Data.....9
 (F) Lot/Block Dimension.....9
 (G) Water/Sewer/OSSF Disclosures10
 (H) Drainage.....10
 (I) Topographical Description.....11
 (J) Road/Driveway, Lot Frontage, and Floodplain Description.....11
 (K) Fire Suppression System.....12
 (L) Purchase Contract Disclosure13
 (M) Groundwater Sufficiency Disclosure Statement13
 (N) Use of Firearms, Bows and Arrows13
 (O) Plat Format14
 (P) Building or Set-Back Lines15
 (Q) Limitations Regarding County Construction/Maintenance Obligations15
 (R) Owner/Developer Signature and Disclosure16
 (S) Lien Subordination Disclosure16
 (T) Surveyor Signature/Disclosure16
 (U) Developer Engineer Signature/Disclosure17
 (V) Commissioners Court Approval17
 (W) County Engineer Approval17
 (X) County Clerk Certification18
 (Y) Additional Plat Certifications18

§ 4.2 Plat Exceptions.....18
 (A) Statutory Exceptions18
 (B) Previously Platted Lots19
 (C) 911 Emergency Service Addressing19

§ 4.3 Variances.....19
 (A) Procedure19
 (B) Application.....19

(C)	Prohibition	19
(D)	Standards	19
§ 4.4	Plat Cancellation, Revision, and Amendment	20
ARTICLE 5 – MANUFACTURED RENTAL HOME COMMUNITY REGULATIONS AND FEE SCHEDULE		20
§ 5.1	Manufactured Home Rental Community Regulations	20
(A)	Application.....	20
(B)	Completed Application	20
(C)	Infrastructure Development Plan	21
(D)	Signature and Completeness	22
(E)	Submission and Fees.....	22
(F)	County Review.....	22
(G)	Construction and Occupancy	22
(H)	Utility Service	22
(I)	MHRC Variance	23
§ 5.2	Fee Schedule	23
ARTICLE 6 – ENFORCEMENT AND INSPECTION		23
§ 6.1	Enforcement	23
§ 6.2	Inspection.....	23
CERTIFICATE OF ADOPTION.....		24
APPENDIX		
Exhibit A:	Subdivision Plat Application	1-5
Exhibit B:	Manufactured Home Rental Community Application . .	1-5
Exhibit C:	Drainage Standards	1-6
Exhibit D:	Fee Schedule.....	1
Exhibit E:	Developer Road Damage and Repair Provisions	1-3
Exhibit F:	Bond or Other Financial Guarantee Requirements	1-5

ARTICLE 1 -- ADMINISTRATIVE PROVISIONS

§ 1.1 Enactment

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

§ 1.2 Public Purposes

- (A) **Identification** -- These Regulations are enacted, approved, and adopted, and shall be enforced to accomplish the following worthwhile public purposes:
- (1) The Regulations shall govern plats and subdivisions of land, as well as manufactured home rental communities (“**MHRC**”), within the unincorporated area of Kimble County, Texas to promote the health, safety, morals and general welfare of the county and the safe, orderly, and healthful development of the unincorporated area of the county, and further, to prevent colonias or other substandard development.
 - (2) The Regulations shall ensure that adequate plats, plan, design and planning procedures, water, sewer, septic, and on-site sewer facilities (“**OSSF**”), and utility and transportation infrastructure are provided in the unincorporated area of the county.
 - (3) The Regulations are reasonably enacted, approved, and adopted, and shall be enforced, among other things, to: (a) fulfill an obligation mandated by federal and/or state law; (b) regulate construction and other development in an area designated under law as a federal or state floodplain; (c) regulate sewer and OSSF facilities; (d) prevent waste; (e) protect the rights of owners of interests in groundwater; (f) prevent subsidence; (g) provide a response to a real and substantial threat to public health and safety, said response being designed to significantly advance said purpose and not to impose a greater burden than is necessary to achieve said purpose; (h) regulate water safety; and (i) prevent the imminent destruction of property or injury to persons from flooding within a floodplain established by a federal or state flood control program, and enacted to prevent the flooding of buildings intended for public occupancy, as well as other buildings and property.
- (B) **Accomplishment** -- The enactment, approval, adoption, and enforcement of the

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

§ 1.3 Conditions Precedent and Notice

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

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

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

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

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

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

§ 1.8 Adopted Authority -- The following legal authority, as amended, and the express and implied regulatory powers therein granted to the County, are hereby approved and adopted by the County to support the interpretation, application, use, and enforcement of these Regulations: TEX. CONST. art. 5, § 18; 42 U.S.C. §§ 4001-4027; 44 CFR Ch. I (Subch. B, Parts 59-60); TEX. HEALTH & SAFETY CODE Chs. 341, 343, 364, 366; TEX. LOC. GOV'T CODE Chs. 232 (Subchs. A, B, E), 233, 235, 242; TEX. LOC. GOV'T CODE §§ 212.013-.016, 232.028-029, 232.0032; TEX. PROP. CODE Chs. 12, 13; TEX. TRANSP. CODE §§ 201.619, 251.003, 251.008; TEX. WATER CODE Ch. 16 (Subchs. I, J); 30 TAC §§ 230.1-230.11; the

County's active flood damage prevention orders or other floodplain management regulations; the County's active sewer, septic, or OSSF orders or regulations; and all other authority described in the Regulations.

ARTICLE 2 – DEFINITIONS, INTERPRETATION, AND APPENDIX

§ 2.1 Word Usage and Special Definitions

- (A) **Common Usage** -- Unless specially defined in the Regulations, words used in the Regulations shall be interpreted according to their common usage or meaning in order to result in the most reasonable application.
- (B) **Special Definitions** -- Unless otherwise designated, the following special definitions shall apply (whether the term or phrase appears in capital lettering or in bolded, italicized, or underlined print).
- (1) **“Business day”** shall mean a day other than a Saturday, Sunday, or holiday recognized by the County.
 - (2) **“Colonias”** shall mean substandard, generally (but not always) impoverished rural subdivisions or other developments that lack basic utilities, drainage, and other infrastructure;
 - (3) **“Commissioners Court”** shall mean means the Commissioners Court of Kimble County, Texas.
 - (4) **“County”** shall mean Kimble County, Texas, including its elected officials, appointed officials, employees, agents, and representatives.
 - (5) **“County Clerk”** shall mean the County Clerk of Kimble County, Texas.
 - (6) **“County Judge”** shall mean the County Judge of Kimble County, Texas.
 - (7) **“Developer”** shall mean: (a) the fee simple owner (or authorized agent, assignee, or successor thereof) of land which is the subject of development; and (b) any owner of land (or authorized agent, assignee, or agent thereof) proposing to divide or dividing land so as to constitute a subdivision.
 - (8) **“Development”** shall mean any actual or proposed man-made change to improved or unimproved real property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or the storage of equipment or materials.
 - (9) **“Drinking water”** shall mean all water distributed by any agency or individual, public or private, for the purpose of human consumption, use in the preparation of foods or beverages, cleaning any utensil or article used in

the course of preparation or consumption of food or beverages for human beings, human bathing, or clothes washing.

- (10) **“Engineer”** shall mean a person licensed and authorized to practice engineering in the State of Texas under the Texas Engineering Practice Act.
- (11) **“ETJ”** shall mean the extraterritorial jurisdiction of an incorporated municipality pursuant to Texas law.
- (12) **“Floodplain”** shall mean: (a) any area in the 100-year floodplain or area of special flood hazard that is susceptible of being inundated by water from any source, as identified by the flood maps issued by the Federal Emergency Management Agency (**“FEMA”**) for the County under the National Flood Insurance Act and NFIP; or (b) if said floodplain has not been identified by FEMA through its issuance of said maps, any area subject to a 1% or greater chance of flooding in any given year.
- (13) **“Manufactured Home”** shall mean: (a) a manufactured home or mobile home as defined by § 1201.003, Texas Occupations Code; (b) any other type of mobile home; and (c) any trailer, vehicle, camper, or recreational vehicle designed for use as a dwelling or for the overnight accommodation or lodging of a person.
- (14) **“Manufactured Home Rental Community” or “MHRC”** means a plot or tract of land that is separated into two or more spaces or lots that are rented, leased, or offered for rent or lease, for a term of less than 60 months without a purchase option, for the installation of manufactured homes for use and occupancy as a residence, as defined by § 232.007 of the Texas Local Government Code.
- (15) **“Minimum State Standards”** shall mean the minimum standards of the State of Texas required for: (a) adequate drinking water pursuant to § 16.343(b)(1) of the Texas Water Code or other state authority; (b) adequate sewer and septic/OSSF facilities under § 16.343(c)(1) of the Texas Water Code, Chapter 366 of the Texas Health and Safety Code, or other state authority; or (c) the treatment, disposal, and management of solid waste and litter under Chapters 361 through 365 of the Texas Health and Safety Code or other state authority.
- (16) **“NFIP”** shall mean the National Flood Insurance Program pursuant to federal law, including: (a) the National Flood Insurance Act pursuant to Sections 4001-4027, Title 42 of the United States Code; and (b) 44 CFR Ch. I, Subch. B, Parts 59, 60.
- (17) **“OSSF”** shall mean an on-site sewage facility (and includes a septic system), as defined in rules and/or regulations adopted by TCEQ, including

but not limited to 30 TAC Chapter 285.

- (18) **“Plat”** shall mean a: (a) plat required by the Regulations; and (b) map or drawing and any accompanying material of a proposed subdivision prepared in a manner suitable for recording in the County records and prepared as described in the Regulations.
- (19) **“Plat Application”** shall mean the County’s Subdivision Plat Application Form described in § 3.2 and **Appendix/Exhibit A** of the Regulations.
- (20) **“Platted”** shall mean a plat recorded in an official plat record on file with the office of the County Clerk.
- (21) **“Purchaser”** shall include purchasers under executory contracts for conveyance of real property.
- (22) **“Regulations”** shall mean these Subdivision and Manufactured Home Rental Community Regulations for Kimble County, Texas.
- (23) **“Sewer,” “sewer services,” “sewerage facilities,” and “sewer facilities”** shall mean: (a) treatment works as defined by § 17.001 of the Texas Water Code, or individual, on-site (or OSSF), or cluster treatment systems such as septic tanks, and includes drainage facilities and other improvements for proper functioning of septic tank systems; and (b) the devices and systems which transport domestic wastewater from residential property, treat the wastewater, and dispose of the treated water in accordance with the minimum state standards contained or referenced in these Regulations.
- (24) **“State”** shall mean the State of Texas and its administrative agencies.
- (25) **“Subdivision”** shall mean a division of land described in § 3.1 of these Regulations. A subdivision includes a re-subdivision (or replat) of land which was previously divided.
- (26) **“Surveyor”** shall mean a Texas Registered Professional Land Surveyor pursuant to Texas law.
- (27) **“TAC”** shall mean the Texas Administrative Code, as compiled by the Texas Secretary of State.
- (28) **“Texas Open Meetings Act”** shall mean Chapter 551 of the Texas Government Code.
- (29) **“TCEQ” or “the Commission”** shall mean the Texas Commission on Environmental Quality.

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

§ 2.2 Interpretation and Appendix

- (A) **Tense, Gender, and Number** -- Unless otherwise designated, the past, present, or future tense shall each include the other, the masculine, feminine, or neuter gender shall each include the other, and the singular and plural number shall each include the other where necessary for a correct meaning.
- (B) **Incorporation by Reference** – The following matters are approved and incorporated by reference in the Regulations: (1) statements made in the preliminary recitals; (2) all documents attached as the Appendix; and (3) where applicable for the use, operation, and enforcement of these Regulations, all provisions of the County’s active floodplain management, sewer, septic/OSSF, or other development regulations.

- (C) **Minimum Requirements** -- These Regulations shall be considered as minimum requirements and liberally construed in favor of the County.
- (D) **Superseding Effect** -- These Regulations shall supersede, repeal, and replace any subdivision and/or MHRC regulations enacted by the County before the Effective Date.

ARTICLE 3 -- PLAT PROCEDURE

§ 3.1 Plat Required for Division of Land

- (A) **Division Defined** -- Pursuant to § 232.001 of the Texas Local Government Code, the owner of a tract of land in Kimble County, Texas located outside the limits of a municipality must have a plat of the subdivision prepared, and thereafter approved by the Commissioners Court, if the owner divides the tract into two or more parts to lay out: (1) a subdivision of the tract, including an addition; (2) lots; or (3) streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.
- (B) **Scope of Division** -- A division of a tract of land as described in this section is a subdivision for purposes of the Regulations, and includes any such division regardless of whether it is made: (1) by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method; or (2) for the purpose of residential, business, commercial, industrial, or other development.

§ 3.2 Plat Submission and Review

- (A) **Application** -- The County's Subdivision Plat Application Form is described in **Appendix/Exhibit A**. It shall be provided at no cost to the public at the office of the County Judge at the notice address described in § 1.3 of the Regulations. The Plat Application Form describes all required documentation for submission by the Developer to the County of a completed Plat Application. A completed Plat Application shall constitute and contain: (1) the fully completed and executed application; (2) the proposed plat and all supporting documents, as herein described; and (3) written evidence (in the form of a tax certificate or other tax entity issued document) showing that an ad valorem tax liability does not exist on the land made the subject of the subdivision development project.
- (B) **Submission of Completed Application/Notice of Incomplete Application**
 - (1) A completed Plat Application shall be submitted by the Developer to the County Judge at the notice address described in § 1.3.
 - (2) County acceptance of a submitted Plat Application shall not constitute plat approval by the County.

- (3) Pursuant to § 232.0025(b) of the Texas Local Government Code, if a Developer submits a Plat Application to the County that does not include all of the documentation or other information required by law and these Regulations, the County shall, not later than the 10th business day after the date the County receives the application, notify the applicant of the missing documents or other information. The County shall allow an applicant to timely submit the missing documents or other information.
- (C) **Review** -- Upon submission of a completed Plat Application, the County will review the application, proposed plat, and supporting documents for completeness, sufficiency, and compliance with the Regulations. The County shall act on the completed application and proposed plat pursuant to the review, approval, approval with conditions, and disapproval procedures and requirements of §§ 232.002 and 232.0025-.0028 of the Texas Local Government Code. Pursuant to said authority, the Commissioners Court:
- (1) must approve a submitted plat by a recorded vote at a public meeting, by an order entered into the official Court minutes, should the plat be: (a) the result a completed Plat Application; (b) supported by a good and sufficient bond or other financial security if required by the Regulations; and (c) in all things complete, sufficient, and in compliance with all requirements prescribed by law and these Regulations, including the payment of all required fees; and
 - (2) may approve with conditions or disapprove a submitted plat by a recorded vote at a public meeting by an order entered into the official Court minutes, should: (a) the plat not comply with all requirements prescribed by law and these Regulations; (b) the required fees not be paid; (c) a delinquent ad valorem tax liability exist for the land made the subject of the proposed development; or (d) the plat not be supported by a good and sufficient bond or other financial security, if required by the Regulations.

ARTICLE 4 – PLAT SUFFICIENCY, EXCEPTIONS, AND VARIANCE

- § 4.1 **Minimum Plat Standards** -- In order to obtain Commissioners Court approval, and for recordation in the Official Public Records (Real Property and/or Plat Records) of the County Clerk, the plat must comply with the minimum standards described in these Regulations.
- (A) **Lawful Compliance** – The plat must comply with all applicable requirements prescribed by law and the Regulations, including the applicable statutes and regulations of the State of Texas and United States government, and their respective administrative agencies.
 - (B) **Acknowledgment and Recordation** -- The plat on approval must be: (1) acknowledged by the Developer in the manner required for the acknowledgment of deeds; and (2) filed and recorded in the Official Public Records (Real Property and/or Plat Records) of the County Clerk on or before 90 days from plat approval.

- (C) **Surveyor and Engineer Certification** -- The plat on approval must be signed, sealed, and certified by the Developer's surveyor and engineer, and said surveyor and engineer must be currently licensed and in good standing to practice in Texas.
- (D) **Property Description, Identifying Data, and Signatures** --
- (1) **General Description** -- The plat must describe the subdivision and all of its parts by a metes and bounds description made as a result of an on the ground survey and inspection, drawn to the required scale and dimensions, and including the following: (a) the subdivision boundary; (b) the internal parts of the subdivision -- including all lots, divisions of land, streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts; (c) the effective plat date; (d) a location map; (e) the required scale and dimension components; (f) a north point; and (g) all required signatures, dating, certification, supporting documentation, and professional seals required by the Regulations.
 - (2) **Additional Descriptions** -- The plat must describe all identifying data required by the Regulations regarding the subdivision and its surrounding area, including: (a) the name of the subdivision and its owner; (b) any adjoining subdivisions and owners, or adjoining properties and owners; (c) all lots, divisions of land, streets, alleys, squares, parks, or other parts intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to said parts; (d) driveways, common areas and any areas to be used by adjacent lot owners or purchasers; (e) rights of way and easements whether of record, apparent, or proposed; (f) natural drains, drainage structures or improvements whether of record, apparent, or proposed; (g) water bodies, water courses, and floodplain boundaries; (h) building and set-back lines; (i) lot frontages; and (j) restrictive covenants, restrictions, or reservations whether of record or proposed.
- (E) **Survey Data** -- The plat must locate the subdivision with respect to an original corner of the original survey of which it is a part, and at least one exterior corner of the subdivision shall be defined on the plat and located by State Plane Coordinates. Boundary lines must be shown by bearings and distances, calls for the lines of established surveys, landmarks, school districts and other data furnished in a manner sufficient to locate the property described on the ground. All block corners and angles in streets and alleys should be marked by a suitable monument. The plat must contain an arrow indicating the direction of the North point of the compass, and the required scale must be prominently shown.
- (F) **Lot/Block Dimension** -- The plat must state the dimensions of, and accurately but separately describe by metes and bounds, each lot, street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part. Lot and block

numbers must be arranged in a systematic order and shown on the plat in distinct and legible figures.

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

(1) **Public Facilities/Constructed --** Should public or organized water, sewer, septic, and/or OSSF service and facilities be proposed for the subdivision, or be intended to be constructed or installed by the Developer to service the subdivision, the plat must contain information and documents by the Developer and his engineer describing and depicting: (a) the type and location of the proposed facilities (and any roadways and easements dedicated for the provision of service) to be constructed or installed to service the subdivision, and including suitability reports, calculations, and percolation test results; (b) a statement specifying the date by which said facilities will be fully operable; and (c) documents and a statement confirming that the plat, said facilities, and the subdivision comply with the applicable requirements of the (i) minimum state standards for the proposed facilities and service, (ii) County's water, drainage, sewer, septic, and/or OSSF regulations, (iii) County's groundwater sufficiency disclosure requirements and floodplain management regulations, and (iv) the regulations and management plans of the Water District (either Kimble County GCD or Hickory UWCD No. 1 as the case may be) having territorial jurisdiction regarding water wells and related permits for the land of the subdivision.

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

(H) **Drainage --** The plat must describe the provision of a reasonable drainage plan approved by the Developer's engineer for the subdivision (including all roads, streets, bridges, culverts, driveways, or common use areas located therein) in accordance with standard engineering practice, and in compliance with the reasonable drainage standards described in **Appendix/Exhibit C**, in order to efficiently manage the flow of storm water runoff in

the subdivision and to coordinate subdivision drainage with the general drainage pattern for the area, including a description of: (1) the exact location, dimensions, descriptions and flow line of existing and proposed future drainage structures (including bridges or culverts); and (2) the exact location, flow-line, and floodplain of existing water courses within the subdivision.

- (I) **Topographical Description** – The plat must identify the topography of the area and the proposed subdivision by the use of contour lines. The contour lines must be based on: (1) a vertical interval of 5 feet for terrain with a slope of 2 percent or more; (2) a vertical interval of 2 feet for terrain with a slope of less than 2 percent; and (3) data provided by the County, or in lieu thereof, data from any governmental agency or department, the identity of which must be specified on the plat. The plat must indicate by the use of contour lines any changes in the existing topography proposed by the Developer and said contour lines must be based on the government data, vertical interval, and slope rates previously identified in this paragraph.

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

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