



SUBDIVISION AND MANUFACTURED HOME
RENTAL COMMUNITY REGULATIONS
FOR ECTOR COUNTY, TEXAS

EFFECTIVE DATE: DECEMBER 28, 2022

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ARTICLE 1 -- ADMINISTRATIVE PROVISIONS

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

§ 1.2 Public Purpose. These Regulations are ordered, approved, adopted, enacted, and shall be enforced to accomplish the following worthwhile public purposes:

- These Regulations shall govern plats and subdivisions of land as well as manufactured home rental communities (“MHRCs”) within the unincorporated area of Ector 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.
- These Regulations shall ensure that adequate plats, plans, design and planning procedures, water, sewer, septic, and on-site sewer facilities (“OSSF”), and water and wastewater utility and transportation infrastructure, are provided in the unincorporated area of the county.
- These Regulations, among other things, are reasonably enacted to: (a) fulfill an obligation mandated by federal or state law; (b) regulate 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; (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; and (j) accomplish or substantially achieve any other public purpose described by the Regulations.
- The order, adoption, approval, enactment, and enforcement of these Regulations shall accomplish and substantially achieve all public purposes described in these Regulations or required by law.

§ 1.3 Notice and Conditions Precedent.

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

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

- (B) **County Contact Address.** The current contact representative for the County regarding these Regulations is the Director of Planning and Development for Ector County, Texas at the following address: Director of Planning and Development, Ector County, Texas, Ector County Annex Building, 1010 East 8th Street, Suite 114, Odessa, Texas, 79761 (telephone 432-498-4241). If this address changes in the future, the authorized address for said party shall be his then current business office address.

§ 1.4 Effective Date. The effective date (“Effective Date”) of these Regulations is December 28, 2022.

§ 1.5 Partial Invalidity. Should any part of these Regulations, or the application or enforcement thereof, be adjudged invalid by any court or regulatory agency, the remainder of these Regulations shall remain operable, enforceable, and fully effective.

§ 1.6 Adopted Authority. The following legal authority, 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 Chapter I, Subchapter B, Parts 59-60; TEX. HEALTH & SAFETY CODE Chapters 341, 343, 364, and 366; TEX. LOC. GOV’T CODE Chapter 232, Subchapters A, B, and E (including without limitation §§ 232.029 and 232.101-232.109 therein); TEX. LOC. GOV’T CODE Chapters 233 and 242; TEX. PROP. CODE Chapters 12 and 13 (including without limitation § 12.002 therein); TEX. TRANSP. CODE §§ 201.619, 251.003, and 251.008; TEX. WATER CODE Chapters 7 and 26; TEX. WATER CODE Chapter 16, Subchapters I and J (including without limitation § 16.343 therein); TEX. HEALTH & SAFETY CODE Chapters 341, 366; Title 16 of the Texas Administrative Code, Chapter 76; Title 30 of the Texas Administrative Code, Chapters 30, 285, and 290 (including without limitation 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 these Regulations. When a constitution, statute, administrative regulation, or local order, regulation, or rule is cited or described in these Regulations, it shall be construed to include its active, most recent version.

§ 1.7 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.

§ 1.8 **ETJ Regulation.** The authority of the County to regulate plats or subdivisions of land by these Regulations in the extraterritorial jurisdiction (“ETJ”) of an incorporated municipality located in Ector 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, Chapter 791 of the Texas Government Code, or other authority.

§ 1.9 **Appendix/SAATS Manual.** References are made in these Regulations to the following described and attached Appendix: the Subdivision/MHRC Application, Approval and Technical Specifications (“SAATS”) Manual. All contents of the attached **Appendix/SAATS Manual** are incorporated by reference for all purposes in these 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) **County Regulations.** The definitions in the following County regulations, where applicable, are incorporated by reference for use and application regarding these Regulations: (1) these Regulations; (2) the County's Flood Damage Prevention Order, ordinance, or other floodplain management regulations; and (3) the County's sewer, septic, or OSSF order, rules or regulations. Should a conflict exist between a definition described in these Regulations and an applicable definition described in the aforesaid County regulations, the more restrictive definition or provision shall control for the purpose of these Regulations.
- (C) **Special Definitions.** Unless otherwise designated, the following special definitions shall apply whether the term or phrase appears in capital letters or in bolded, italicized, or underlined print:
- (1) “Alley” shall mean a public or private right-of-way primarily designed to serve as secondary access roadway to the side or rear of properties whose principal frontage is on another street.
 - (2) “Business Day” shall mean a day other than a Saturday, Sunday, or holiday recognized by the County. Unless described by these Regulations as a “Business Day,” a day described by the Regulations shall mean a calendar day.
 - (3) “Colonias” shall mean substandard, generally (but not always) impoverished rural subdivisions or other developments that lack basic utilities, drainage, and other infrastructure;

- (4) “Commissioners Court” or “Court” shall mean means the Commissioners Court of Ector County, Texas.
- (5) “County” shall mean Ector County, Texas, including its elected officials, appointed officials, employees, agents, and representatives.
- (6) “County Attorney” shall mean the licensed attorney or law firm designated and/or engaged by the County to furnish legal assistance for the implementation, administration, and/or enforcement of these Regulations.
- (7) “County Clerk” shall mean the County Clerk of Ector County, Texas. The current business office of the County Clerk is located at the Ector County Courthouse, 300 North Grant Street, Room 111, Odessa, Texas 79761 (telephone 432-498-4130). If this address changes in the future, the authorized address for said party shall be the then current business office address of the County Clerk.
- (8) “County Engineer” shall mean a registered professional engineer on the County Staff, or a consulting firm of registered professional engineers designated and engaged to represent the County.
- (9) “County Judge” shall mean the County Judge of Ector County, Texas. The current business office of the County Judge is located at the Ector County Courthouse, 300 North Grant Street, Room 227, Odessa, Texas 79761 (telephone 432-498-4100) . If this address changes in the future, the authorized address shall be the then current business office of the County Judge.
- (10) “Developer” and “Subdivider” are synonymous and 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.
- (11) “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.
- (12) “Director of Planning and Development” shall mean the person designated by the Commissioners Court as the Director of the Planning and Development for the County, or the Court’s designee. The current business address of the Director of Planning and Development is located at the Ector County Annex Building, 1010 East 8th Street, Suite 114, Odessa, Texas 79761 (telephone 432-498-4241). If this address changes in the future, the authorized address for said Director shall be his then current business office address.

- (13) “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.
- (14) “Ector County Utility District” and “ECUD” shall mean the Ector County Utility District which provides water service to parts of Ector County, Texas, with its current business office located at 1039 North Moss Avenue, Odessa, Texas 79763-7327 (telephone 432-381-5525), and its current internet website address being www.ecudwestodessatx.org.
- (15) “Engineer” shall mean a person licensed and authorized to practice engineering in the State of Texas under the Texas Engineering Practice Act or other authority.
- (16) “ETJ” shall mean the extraterritorial jurisdiction of an incorporated municipality pursuant to Texas law.
- (17) “Facility” and “Infrastructure” are synonymous and shall mean the physical improvements installed as part of a subdivision including adequate streets, utilities, drainage, sidewalks, pedestrian-ways and means of vehicular and pedestrian ingress/egress.
- (18) “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.
- (19) “Foundation” shall mean the lowest division of a residence, building or other structure, 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 structure rests.
- (20) “LOC” shall mean an irrevocable letter of credit.
- (21) “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.
- (22) “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.

- (23) “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 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.
- (24) “More Restrictive” as applied to a conflict analysis between a provision or definition in these Regulations -- as compared to a definition or provision in a statute, administrative regulation, or local order, regulation, or rule -- shall mean the provision or definition which provides the most protection to: (a) eliminate or reduce the risk for flood, drainage, pollution, subsidence, or other public health and safety losses; (b) protect groundwater and surface water resources; and (c) promote the health, safety, and general welfare of the people and their property.
- (25) “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.
- (26) “OSSF” shall mean an on-site sewage treatment facility (including a septic system), as defined in rules and/or regulations adopted by TCEQ, including but not limited to 30 TAC Chapter 285.
- (27) “Owner” shall mean any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under these Regulations, or their authorized agent.
- (28) “Parcel” shall mean a separately owned tract of land that is un-platted property with an acreage status.
- (29) “Plat” shall mean a: (a) plat required or authorized by these Regulations; (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. Please note the following plat types required or authorized by these Regulations:
- “Plat, Amending” shall mean a plat with minor changes to a recorded subdivision as described in § 4.3.

- “Plat, Final” shall mean the authentic map or official plan of record of a subdivision or other development of land prepared from actual field measurement and staking of all identifiable points by a Registered Professional Land Surveyor with the subdivision location properly referenced to a survey corner or specific landmark reference and otherwise described by these Regulations. The Final Plat is approved in accordance with these Regulations, meeting the definition of a “Plat” and is the document recorded by the County Clerk that creates the actual legal descriptions.
 - “Plat, Preliminary” shall mean the preliminary drawing that illustrates and thereby assures the general layout of a proposed subdivision, the adequacy of public improvements and facilities needed to serve the proposed subdivision, and the overall compliance of the applicable requirements of these Regulations and all other applicable County policies and requirements. If submitted, it is reviewed for approval by the Commissioners Court or Designee prior to approval of a Final Plat.
 - “Plat, Replat” when required by and in accordance with Chapter 232 of the Texas Local Government Code (see § 4.3 of these Regulations) shall mean a change in a recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any plat legally recorded prior to the adoption of any regulations to control subdivisions. A Short Form Plat or Amending Plat may be utilized in lieu of a Replat where authorized by these Regulations.
 - “Plat, Short Form” shall mean a plat or replat involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of public facilities in accordance with § 3.8 of these Regulations.
- (30) “Plat Application” shall mean either the County’s (a) Subdivision Plat Application form described in the Regulations (see **Appendix/SAATS Manual/Exhibit A**), or (b) Short Form Plat Application form (see **Appendix/SAATS Manual/ Exhibit A**).
- (31) “Platted” shall mean a plat recorded in an official plat record on file with the office of the County Clerk.
- (32) “Purchaser” shall include purchasers under executory contracts for conveyance of real property.
- (33) “Regulations” shall mean this instrument and its attached Appendix.

- (34) “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. “Sewer” and “Wastewater” are synonymous.
- (35) “State” shall mean the State of Texas and its administrative agencies.
- (36) “Street” or “Road” shall mean a roadway (public or private) intended to provide direct ingress & egress access to individual properties and/or a right-of-way for wastewater, water, storm drainage systems, and electric, telephone, gas, and cable tv utilities. Please note the following regarding streets and roads described by these Regulations:
- “Thoroughfare Plan” shall mean a plan adopted by the Commissioners Court or governing body of a municipality which identifies the general routing and classification of proposed streets and thoroughfares. The plan may also establish the function and capacity of the various thoroughfares as they relate to the land uses they are proposed to serve. This term also refers to any such plan adopted prior to or after the Effective Date of these Regulations.
 - “Arterial Road” shall mean the following road types:
 - A “Major Arterial Road” or “Principal Arterial Road” is a highway intended to move large volumes of traffic around and across a given land area without direct access to adjacent land providing vehicular movement from one neighborhood to another or to distant points within the area, and including highways leading to other communities. This road type provides for cross-town movement and continuity and is designed to carry higher volumes of traffic between major activity centers such as commercial and employment centers, and neighborhoods. Due to the high traffic volume, direct access is controlled for this road type. It is a road with high density volumes of traffic across lengthy distances within a roadway network, such as an interstate or freeway. This road type is intended to have little to no trip interruptions due to intersections or direct access to abutting properties. Major arterial roads serve as a principal connecting streets with State or Federal highways, farm to market roads, or major thoroughfares shown or projected on current transportation plans of the Texas Department

of Transportation, the Permian Basin Metropolitan Planning Organization, and cities of Odessa and Midland.

- A “Minor Arterial Road” is a road that serves as a connection between collector roadways and conveys similar traffic volumes as Principal Arterial Roads, but for shorter distances. Because providing direct access to adjacent property is not the primary function of an arterial roadway, access points along this roadway type should be limited as much as possible.
 - “Collector Road” shall mean a road that provides the connection between Arterial Road and local streets and is intended to balance the functions of traffic movement and property access. Compared to an Arterial Road, the Collector Road accommodates lower traffic volumes for shorter distances. There are two types of collectors as described below:
 - a “Major Collector Road” accommodates higher traffic volumes for longer distances than minor collectors; and
 - a “Minor Collector Road” typically is utilized to serve a lower density of development and has a shorter street length than Major Collector Roads.
 - “Local Road” shall mean a road which provides direct access to adjacent land. A Local Road also provides short distance trips to access Collector Roads and Arterial Roads.
 - “Residential Road” shall mean a local street predominantly located in a residential subdivision and providing access to privately owned residential lots and uses.
- (37) “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.
- (38) “Surveyor” shall mean a Texas Registered Professional Land Surveyor pursuant to Texas law.
- (39) “TAC” shall mean the Texas Administrative Code, as compiled by the Texas Secretary of State.
- (40) “TCEQ” or “the Commission” shall mean the Texas Commission on Environmental Quality.

- (41) “Texas Open Meetings Act” shall mean Chapter 551 of the Texas Government Code.
- (42) “Tract” or “Land” shall mean real property located in Ector County, Texas.
- (43) “TWDB” shall mean the Texas Water Development Board.
- (44) “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.
- (45) “Water District” shall mean a duly organized and operating special district with jurisdictional authority granted by the law of the State of Texas regarding certain land located in Ector County, 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 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.

§ 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) the statements made in the preliminary recitals; (2) all documents attached as the **Appendix/SAATS Manual**; 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. Should a conflict exist between a provision described in these Regulations and an applicable provision described in the County’s aforesaid development regulations, the more restrictive provision shall control for the purpose of these 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 Ector 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 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.

§ 3.3 Lawful Compliance. The plat and all other documents submitted to the County to support a request for plat approval must be truthful, accurate, correct, and prepared in compliance with the requirements (including methodology) prescribed by law and these Regulations, including the applicable statutes and regulations of the State of Texas and federal government (and the administrative agencies thereof), and the County's active flood damage prevention order or other floodplain management regulations, sewer, septic, OSSF or other wastewater regulations, or other land development regulations.

§ 3.4 Acknowledgment and Recordation. Before lots are sold, the approved plat must be: (1) acknowledged by the Developer as 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 within 10-days from plat approval, and in compliance with § 12.002 of the Texas Property Code.

§ 3.5 Plat Submission and Review.

- (A) **Application.** The County's Subdivision Plat Application Form is described in **Appendix/SAATS Manual/Exhibit A**. It shall be provided at no cost to the public at the office of the County's Director of Planning and Development 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's Director of Planning and Development 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 of 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.

- (D) **Submission and Review of Final Plat.** Within 10-days after Commissioners Court approval of a Preliminary Plat (if any), or alternatively, at the plat application submission, the original and one complete copy of the Final Plat shall be submitted by the Developer to the Commissioners Court through the County’s Director of Planning and Development (at the business office described in § 1.3). The Final Plat shall contain the approved names for all public and private roads in the subdivision. The County will review the Final Plat for completeness, sufficiency, and compliance with these Regulations. If the Final Plat is not complete, sufficient, or in compliance with these Regulations, it shall be disapproved or disapproved with conditions as allowed by law by the Commissioners Court or the Director of Planning and Development in writing. The County may disapprove a plat if it does not meet the requirements prescribed by law or these Regulations.
- (E) **Approval of Final Plat.** If the Final Plat is complete, sufficient, and in compliance with these Regulations, it will be submitted to the Commissioners Court for approval by a recorded vote at a public meeting. If approved, the Final Plat shall be ordered to be fully executed and filed of record, as herein described. The plat shall be filed and recorded with the County Clerk within 10-days of the approval date, unless otherwise agreed to by the applicant. However, the filing and recording of the Final Plat shall not be ordered or authorized until the Developer has paid all required fees, and executed, submitted, and filed all bonds or other financial security required.
- (F) **Bond or Other Financial Security Requirements.** The Developer of a tract to be subdivided shall: (1) execute a good and sufficient bond or other financial security, as required by these Regulations, in order to ensure the proper construction of any public roads and streets or private roads with public access easements, drainage requirements, or other infrastructure or improvements dedicated to public use in the subdivision; and (b) comply with the bond or other financial security requirements described in the **Appendix/SAATS Manual/Exhibit E**.

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

§ 3.7 Voluntary Preliminary Review Procedure. Should the proposed subdivision be non-exempt and located in the unincorporated area, the Developer may choose to participate in the County’s Voluntary Preliminary Review Procedure as follows:

- (A) **Written Notice.** The Developer shall deliver written notice to the Director of Planning and Development that Developer participation in this voluntary procedure will occur to obtain a preliminary review of the proposed subdivision prior to the expense and time being incurred by the Developer in preparing and submitting to the County a completed plat application, final plat, and related technical and supporting documents as required by these Regulations.

- (B) Document Submission. Thereafter or contemporaneously with the delivery of said written notice -- but prior to the submission of a completed plat application, required final plat, and all supporting documents required by these Regulations – the Developer shall deliver to the Director of Planning and Development a concept plan, site plan, preliminary plat, and/or other documents deemed appropriate by the Developer regarding the proposed subdivision -- so that the County may begin a preliminary review of the subdivision prior to the Developer’s submission of a completed plat application and final plat as otherwise required by these Regulations.

- (C) Voluntary Procedure. Should the Developer choose to participate in this voluntary procedure, the following matters shall be expressly understood by the Developer and its consultants:
 - (1) Developer participation in this procedure is strictly voluntary and shall occur only through the exercise of the Developer’s sole discretion, consent, and best judgment.
 - (2) Developer submission to the County of the aforesaid concept plan, site plan, preliminary plat, and/or other documents are not required to be submitted to the County for plat approval pursuant to these Regulations.
 - (3) Pursuant to § 232.0025(b) of the Texas Local Government Code and other authority, it shall be understood that:
 - (i) Developer submission of the aforesaid concept plan, site plan, preliminary plat and/or other documents to the County during this voluntary procedure shall not imply or constitute the submission of a completed plat application and final plat as required by these Regulations for final plat approval; and
 - (ii) County acceptance and review of the aforesaid concept plan, site plan, preliminary plat and/or other documents submitted to the County during this voluntary procedure shall not constitute approval of a completed plat application and final plat as required by these Regulations.

§ 3.8 Short Form Plat Procedure. Notwithstanding anything to the contrary herein stated, a Short Form Plat Procedure is authorized by these Regulations at the sole discretion and business judgment of the Developer as hereafter described. A Short Form Plat is a plat or replat involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of public facilities. All applicants seeking approval of a Short Form Plat shall comply with the requirements of this section. Every Short Form Plat shall require approval of the Commissioners Court.

- (A) Prerequisites. The procedures contained in this section apply to a Short Form Plat that meets all of the following conditions: (1) the proposed division results in four (4) or fewer lots; (2) all lots in the proposed subdivision front onto an existing public street and the construction or extension of a street or alley is not required to meet the requirements of

these Subdivision Regulations or any other regulations; and (3) the plat does not require the extension of any public facilities to serve any lot within the subdivision, however, right-of-way widening, and easements shall be permitted as part of a Short Form Plat procedure.

- (B) Replats. The replat of existing platted lots in a subdivision must comply with the procedure described in these Regulations (see § 4.3).
- (C) Required Documents. The application shall include the following documents, and no Short Form Plat will be reviewed by the County until said documents are submitted in a completed format and all fees have been paid: (1) a fully complete Short Form Plat Application; (2) a tax certificate or other proof of payment indicating that any taxes or liens due the County have been paid; (3) a Final Short Form Plat with all required supporting documents and copies; (4) a minor drainage analysis if the County Engineer determines it is required; and (5) a copy of the subdivider's deed for the property or other proof of ownership satisfactory to the County Attorney demonstrating ownership and the right to dedicate to the County.
- (D) Short Form Plat Application. The Developer shall submit a written Short Form Plat Application to the Director of Planning and Development (at the notice address described in § 1.3) at least fourteen (14) days prior to the regular meeting of the Commissioners Court for which approval is being sought.
- (E) Short Form Plat. The Developer shall submit: (1) the required number of hard copies of the Short Form Plat as shown on the plat application form (see **Appendix/SAATS Manual/Exhibit A**); and (2) an electronic copy of the Short Form Plat in DXF and PDF format. Also, the Short Form Plat shall contain, at a minimum, all applicable information listed in § 3.9 (regarding final plat contents, submission, processing, and recording) and described in the **Appendix/SAATS Manual/Exhibit A** and included checklists.
- (F) Review. Every Short Form Plat shall be reviewed for compliance with the Regulations. The Commissioners Court is authorized to approve or approve with conditions a Short Form Plat provided such Plat meets all requirements of these Regulations.
- (G) Execution and Recordation. The Short form Plat shall be acknowledged and executed in the manner required for a final approved subdivision plat. by the County representative authorized to approve a plat instead of the Commissioners Court. The Short Form Plat shall be filed by the County's Director of Planning and Development and recorded with the County Clerk within 10-days of the approval date, with all recording fees paid by the Developer.

§ 3.9 Final Plat Procedure. A Final Plat is required by these Regulations, and if approved by the Commissioners Court, must be filed and recorded with the County Clerk according to the authority and all filing and recording provisions contained in these Regulations. Approval of a Final Plat shall require the final drainage report and may require final engineering plans in accordance with the **Appendix/SAATS Manual/Exhibit F**.

(A) General Requirements.

- (1) The Final Plat must be approved by the Commissioners Court and must conform to the following requirements, pursuant to Chapter 232, Subchapters A and E, of the Texas Local Government Code (including without limitation §§ 232.0032, 232.101, and 232.107 therein).
- (2) The submitted plat application shall be fully complete as required by these Regulations and include all documents listed below, and no Final Plat will be reviewed by Ector County until all required documents are submitted and filed in a completed format and all fees have been paid:
 - (a) a tax certificate or other document issued by a taxing entity showing that any taxes or liens due the County have been paid;
 - (b) a Final Plat prepared in compliance with these Regulations;
 - (c) a copy of the subdivider's deed for the property or other proof of ownership satisfactory to the County Attorney demonstrating ownership and the right to dedicate to the County; and
 - (d) all corollary or other documents required by these Regulations to be attached to the plat as supporting documents for proposed plat approval.
- (3) The plat shall describe the subdivision by metes and bounds.
- (4) The plat shall locate the subdivision with respect to an original corner of the original survey of which it is a part, and a minimum of two (2) exterior corners of the subdivision shall be defined on the plat and located by the Texas State Plane Coordinate System.
- (5) The plat shall state the dimensions of the subdivision and of each lot, street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part.
- (6) The plat shall be executed and acknowledged by the Developer in the manner required for the acknowledgment of deeds, and further, shall contain all signature executions, certifications, and plat notes required by these Regulations.
- (7) All plats shall comply with all applicable platting and development regulations of Ector County, Texas (whether described in these Regulations or elsewhere), as well as applicable state and federal agencies. The Final Plat shall comply in all respects with

these Regulations, including those plat requirements contained in the **Appendix/SAATS Manual**.

- (B) Property Description, Identifying Data, and Signatures. The plat shall describe the subdivision and all of its parts by a metes and bounds description (made as a result of an on the ground survey and inspection), drawn to the required scale and dimensions, and shall include accurate descriptions and depictions of the following matters:
- (1) the subdivision boundary;
 - (2) 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;
 - (3) the effective plat date;
 - (4) a location map;
 - (5) the required scale and dimension components;
 - (6) a north arrow; and
 - (7) all required signatures, execution, dating, certifications, plat notes, supporting documentation, and professional seals required by these Regulations.
- (C) Subdivision and Surrounding Area Identification.
- (1) The plat also shall describe all identifying data required by these Regulations regarding the subdivision and its surrounding area, including:
 - (a) the name of the subdivision and its owner;
 - (b) all property lines, streets and easements on lands immediately adjacent to and contiguous with the perimeter of the proposed subdivision shall be shown for an area extending one hundred (100) feet from the perimeter with the names of the owners as shown in the most current County Tax Assessor's files, along with the volume and page recording information of the parcel's deed, if available – and if the adjacent properties are platted, individual parcel or lot ownership information is not required to be shown, but the names of adjoining subdivisions and the names of adjoining streets are to be shown;
 - (c) all lots, divisions of land, streets, alleys, squares, parks, or other parts

intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to said parts;

- (d) driveways, common areas, areas dedicated or to be dedicated to public use, and any area to be used by adjacent lot owners or purchasers;
 - (e) rights of way and easements whether of record, apparent on the land, or proposed;
 - (f) natural drains, drainage structures or improvements whether of record, apparent on the land, or proposed;
 - (g) water bodies, water courses, and floodplain boundaries;
 - (h) set-back lines (if any) and lot frontages; and
 - (i) restrictive covenants, restrictions, or reservations of record.
- (2) Regarding the survey data, the plat must accurately describe and depict the following matters:
- (a) the plat shall locate the subdivision with respect to point of origin and the Texas State Plane Coordinate System (NAD 83);
 - (b) the boundary lines must be shown by bearings and distances, calling for the lines of established surveys, landmarks, and other data furnished, sufficient to locate the property described on the ground;
 - (c) all block corners and angles in streets and alleys should be marked by a suitable monument in accordance with the **Appendix/SAATS Manual**;
 - (d) the plat must contain a north arrow indicating the direction of the North point of the compass and the scale must be prominently shown. Preferably a scale of 1:50 and not to exceed 1:100 if applicable;
 - (e) the plat shall describe by metes and bounds each lot, number each lot in progression, and give the dimensions of each lot;
 - (f) the plat shall state the dimensions of and accurately describe by metes and bounds each lot, street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part;
 - (g) the plat shall include a description and the dimension of all lot frontages in

the subdivision. These descriptions, and all lot frontages, shall comply with the lot frontage standards adopted by these Regulations; and

- (h) lot and block numbers shall be arranged in a systematic order and shown on the plat in distinct and legible figures.

(D) Plat Production Requirements.

- (1) The plat shall be produced in digital format (PDF and DXF in Texas State Plane Coordinate System) and on mylar, or by the use of other material and methods of a permanent nature in general use by the engineering profession. The plat shall be drawn to scale on sheets of the following dimension: 18 inches by 24 inches.
- (2) The original plat (including all required attached documents) and 1 clearly marked, same-size copy of same shall be provided to the County. Should the plat not be provided to the County in digital format (PDF), six reduced copies of the plat, in a dimension of either 8.5 inches by 11 inches or 11 inches by 17 inches, also shall be provided to the County. The plat shall be drawn according to the following scale: (a) 1 inch to 50 feet; or (b) 1 inch to 100 feet.
- (3) Linear dimensions shall be shown in feet and hundredths of 1 foot. Angle dimension shall be shown in degrees, minutes, and seconds. Curve dimensions shall be shown through radius, arc, chord distance, and bearing.

(E) Water/Sewer/OSSF Disclosures.

- (1) Facilities Constructed or Installed by Developer. Should water, sewer, or OSSF facilities be intended to be constructed or installed by the Developer to service the subdivision, the plat shall contain notes as specified in the **Appendix/SAATS Manual/Exhibit D** and also have attached a document that contains the following information by the developer and his engineer: (a) a detailed description (including the proposed location) of the water, sewer, or OSSF facilities, and any roadways and easements dedicated for the provision of water, sewer, or OSSF service, that will be constructed or installed to service the subdivision; (b) a statement specifying the date by which said facilities will be fully operable; and (c) a statement that the plat and subdivision comply with (i) minimum state standards regarding the proposed water, sewer, or OSSF facilities or service, (ii) all applicable water, drainage, sewer, or OSSF regulations required by the County's sewer, drainage, septic, or OSSF regulations, and (iii) the County's floodplain management regulations.
- (2) Facilities Not Constructed or Installed by Developer. Should 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, if any, territorial jurisdiction regarding water wells and related permits for the land of the subdivision.

- (3) Groundwater Sufficiency Analysis. Pursuant to §§ 232.101 and 232.107 of the Texas Local Government Code and other authority, and in order to promote and protect the public health, safety and general welfare of the county and the safe, orderly, and healthful development of the unincorporated area of the county, the following matters are required if the source of the water supply intended for the subdivision is groundwater under that land.
 - (a) The plat application shall have attached an analysis that: (i) is prepared for the Developer by an engineer or geoscientist licensed to practice in Texas; and (ii) determines that adequate groundwater is available to provide for the domestic needs of the subdivision.
 - (b) Upon receipt of the aforesaid analysis, the County shall determine through its independent review (with outside engineering and/or geoscientist consultation assistance, if necessary or desired) whether adequate ground water is available to provide for the domestic needs of the subdivision.
- (4) Surface Water Sufficiency Disclosure Certification. If the source of the water supply intended for the subdivision is surface water, pursuant to §§ 232.101 and 232.107 of the Texas Local Government Code and other authority, the submitted subdivision plat application and plat shall demonstrate and have attached a certification statement that: (a) is prepared for the Developer by an engineer or geoscientist licensed to practice in Texas; and (b) certifies through sufficient evidence that sufficient water rights have been obtained and dedicated, either through acquisition or a wholesale water supply agreement, that will provide a sufficient supply of surface water to serve the needs of the subdivision for a term of not less than 30 years.
- (5) Transportation of Potable Water Prohibition. The plat must contain the following plat note and statement:

Conveyance of potable water by transport truck or other mobile device to supply the domestic needs of the subdivision is not an acceptable method, except on an emergency basis. Absence of a water system meeting the standards of these Regulations due to the

negligence of the Developer does not constitute an emergency.

- (6) Compliance with ECUD and Water District Regulations. Regarding compliance with ECUD and groundwater conservation district (or Water District) regulations, if any apply to the development project, the subdivision plat and related application shall demonstrate the subdivision is in compliance with the then current regulations of ECUD or the Water District, if any, with territorial jurisdiction regarding any land area of the proposed subdivision -- and further, the plat shall contain the following matters should a Water District exist with the aforesaid territorial jurisdiction regarding the subdivision: (a) a plat certification by the General Manager of said Water District stating that the subdivision and final plat is in compliance with the then active regulations of said district; and (b) a plat note stating that all water wells described in the plat, or to be constructed, used, and operated in the subdivision, shall be in compliance with the then active regulations of the Water District.
- (F) Floodplain Disclosure. The plat shall describe and depict all land in the subdivision that is located in a floodplain. The plat shall contain a certification, as described in the **Appendix/SAATS Manual/Exhibit D**, by the surveyor or engineer for the Developer that: (a) prominently describes, depicts, and identifies any area of the subdivision that is located in a floodplain, or in the alternative, states that no area of the subdivision is located in a floodplain; and (b) states that the plat and proposed subdivision comply with the County's (i) sewer, drainage, septic, or OSSF rules or regulations, and (ii) floodplain management regulations.
- (G) Drainage.
- (1) 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 drainage standards described in **Appendix/SAATS Manual/Exhibit F**, 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: (a) the exact location, dimensions, descriptions and flow line of existing and proposed future drainage structures (including bridges or culverts); and (b) the exact location, flow-line, and floodplain of existing water courses within the subdivision.
- (2) The Preliminary Plat (if any) or drainage report in lieu of a Preliminary Plat shall describe the provision of reasonable drainage to the subdivision, in compliance with the reasonable drainage standards described in these Regulations in order to: (a) efficiently manage the flow of storm water runoff in the subdivision; and (b) coordinate subdivision drainage with the general drainage pattern for the area.

- (3) The Preliminary Plat (if any) or drainage report shall include the preliminary/ conceptual design and application of applicable reasonable specifications, as required in these Regulations, to provide adequate drainage for each street or road in the subdivision in accordance with standard engineering practices. The Preliminary Plat or drainage report shall include a description of: (a) the exact location, dimensions, descriptions and flow line of existing and future drainage structures; and (b) the exact location, flow line, and floodplain of existing water courses within the subdivision.

(H) Road/Driveway Design and Construction.

- (1) General Requirements. 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 road and drainage standards described by the Regulations and in **Appendix/SAATS Manual/Exhibits F, G, and H**. 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) Access. Regarding sufficient emergency vehicle and lot access to roads and streets, the following must be described on the plat and made the subject of compliance by the Developer: (a) the subdivision shall provide at least two points of entry/exit access to an external public road (located outside the subdivision) for a sufficient route of travel to and from each lot in the subdivision, for use by lot owners and emergency vehicles, and for use during evacuations resulting from fire or other natural disasters; and (b) the subdivision must have internal roads or streets designed and constructed so that each lot in the subdivision shall have access to an internal road or street leading to the aforesaid entry/exit access point in the subdivision, for a sufficient route of travel to and from each lot in the subdivision, for the use by lot owners and emergency vehicles, and for use during evacuations resulting from fire or other natural disasters.
- (3) County Approval. Prior to any road, street, bridge, driveway, culvert or other drainage facility, or area of common usage being constructed in a subdivision, the County must first approve the construction through a review of the completed construction drawings and any required drainage plan. Clearing and grubbing of the site (as well as minor grading to allow access for testing and water well drilling equipment), and stripping of right of way to identify sub-grade types for testing, are exceptions to this provision.
- (4) The Developer shall comply with the road damage and repair provisions described

in **Appendix/SAATS Manual/Exhibit H.**

- (5) Roadways and Street Descriptions.
- (a) The plat shall include a description of all roads in the subdivision or the location of existing or proposed roadways in adjacent subdivisions or county roadways.
 - (b) These descriptions and all constructed roads shall comply with the County's road and drainage standards adopted by these Regulations and as further specified in the **Appendix/SAATS Manual/Exhibits F, G, and H.**
 - (c) Street names must be comprised only of characters using the standard English alphabet. No special characters (dashes, apostrophes, periods, slashes, tildes, etc.) may be used. Avoid use of the same street name in close proximity to similarly named streets.
 - (d) A street name is considered a duplicate if an existing street shares the same street name. Number of words, spaces, and spelling differences do not make the street name unique. Changing the street type does not make the name unique.
 - (e) To ensure proper construction, reduce property flooding and maintain the flow in drainage ways, driveways being constructed connecting to existing public county roads or private roads with public easements, or drainage structures shall first obtain a right-of-way (ROW) permit from the County's Planning and Development office (at the business office described in § 1.3) and be approved by the County if they meet these Regulations and the provisions contained in the **Appendix/SAATS Manual.**
 - (f) Driveway typicals from the **Appendix/SAATS Manual/Exhibit G** shall be included in the roadway construction drawings for any subdivisions anticipating lots fronting on public roadways or private roadways with public easements.
 - (g) Driveways to roadways owned and/or maintained by the Texas Department of Transportation shall require permits and meet the construction requirements of that state agency.
- (6) Public County Roadways.
- (a) Right-of-Way (R.O.W.) dedications shall be free/clear of any liens and/or private ownership.
 - (b) Design and construction of public County roadways and streets shall meet

the requirements and standards of the Appendix/SAATS Manual Drainage and Road Standards. Engineering and Construction Plans/Drawings shall be submitted to the County's Planning and Development office (at the office address described in § 1.3) for approval prior to initiation of construction in accordance with these Regulations.

- (c) Roads or streets which are a continuation of any existing road or street shall take the name of the existing road or street.
- (d) Where roads or streets in an adjoining subdivision end at the property line of the new subdivision, the said roads or streets shall be continued throughout the new subdivision.
- (e) Where there are no adjacent connections platted, the roads in the new subdivision shall be a reasonable projection of the roads or streets in the nearest subdivisions.
- (f) No decorative squares, trees, "islands," ornamental entrances or any other obstruction to traffic shall be constructed or preserved within the right-of-way of a road dedicated to the public. Additionally, landscaping and other sight obstructions shall be located outside of sight triangles.
- (g) A public road maintenance statement shall be shown on the Final Plat document in accordance with the **Appendix/SAATS Manual/Exhibit D**.
- (h) The dedication and acceptance of public R.O.W. is accomplished by the approval and recording of the Final Plat.
- (i) The construction of the public road improvements is authorized and inspected under the County Public Works Department authority. If the Public Works Department approves the constructed improvements, the County Commissioners Court may accept the improvements for maintenance by separate, specific action. An Amending or Short Form plat cannot dedicate R.O.W. or involve the construction of public or private roadways.
- (j) Proper identification of streets for emergency and other public services is critical to the safety of the residents of a subdivision. The Developer shall pay for the street blades and be responsible for the initial installation of street identification sign poles at the intersection of every roadway, street and cul-de-sac within the proposed subdivision.

- (k) Private Roads.
 - (a) Public roads (after road acceptance by the Commissioners Court, if ever) on dedicated rights-of-way are the requirement of the County for subdivisions. Private roads may be considered for approval in a subdivision, if it is determined they adequately serve the function of a public road and meet all the requirements of these Regulations. All private roads proposed in subdivisions require approval (for plat approval) by the Commissioners Court.
 - (b) Ownership of the private road(s) shall be identified on the plat, along with a designation as a Private Access easement. Ownership to the centerline of the road by the adjacent lot owners is NOT allowed. Ownership in common by a homeowner or property owner's association, with an acceptable private Commissioner's Court approved access easement that includes access by vehicles from the county, post office, utilities with a franchise to use public streets, emergency and other public agencies and a maintenance mechanism provided, is acceptable. In no case shall ownership of the land utilized for a private roadway easement serving lots in a subdivision remain in the ownership or be retained by the original developer(s) or owner(s) of the subdivision.
 - (c) Private property within an easement utilized for a private roadway serving lots either owned to the centerline by the adjacent property owner or owned by a homeowner or property owners association shall NOT be included in the area requirement calculations for an OSSF system or for any other area requirement for a lot.
 - (d) Private roads shall meet the same design criteria and construction standards and specifications as public roads and streets contained in these Regulations as part of the plat approval process. Engineering and Construction Plans/Drawings shall be submitted to the County Engineer and approved prior to initiation of construction. The Developer of a private road subdivision shall contact Ector County Public Works and request inspection from the County Inspector during and after construction of a private road to verify such standards have been met. In no case, however, shall a private road be constructed without grading, drainage and a base and surface paving sufficient to support emergency vehicles including fully loaded fire suppression vehicles.

(7) Maintenance.

- (a) The Developer, prior to plat approval and lots being sold, should endeavor to provide for the establishment of a homeowners or property owners

association, in covenants, conditions, and restrictions (“CCRs”), to be filed and recorded with the plat and noted on the plat, assuming the obligation of perpetual maintenance of private streets and other improvements held privately, including: (i) a mandatory assessment for such private streets and improvements to be placed on all property owners within the subdivision; (ii) an allowance for County personnel to inspect the streets to assure they are being maintained to County emergency access standards; and (iii) providing for notice to the County Attorney and County Judge or Court’s Designee of any amendments to these relevant sections.

- (b) The County shall be a necessary party for the amendment of any portions of the CCRs dealing with these requirements.
- (c) A private road maintenance statement shall be shown on the Final Plat document in accordance with these Regulations.
- (d) Private streets, roads, and emergency access easements shall be termed as a vehicular access way under private ownership and maintenance. Private Access Easements shall also give access into the subdivision by the County, by emergency service providers, and by other utility or public service providers, such as postal carriers and utility companies, with appropriate identification. The method used to ensure County and emergency access, including emergency turn arounds, into the subdivision shall be approved by the 911 Ector County Emergency Communication District and by any other applicable emergency service providers during the final platting process.
- (e) Certain County services may not be provided for private street subdivisions, including street maintenance, routine law enforcement patrols, enforcement of traffic and parking regulations and payment of costs for street lighting. A note as to waiver of services may be required on the face of the plat. The Developer shall install signs in prominent and visible locations that clearly mark entrances to all private street subdivisions and install a sign indicating that the streets within the subdivision are private, and not maintained nor regularly patrolled by the County. The subdivision homeowner’s or property owner’s association shall maintain such signs and replace them if damaged at their expense.
- (f) Prior to the filing of a plat with private streets, the private streets must either be constructed and inspected in accordance with these Regulations or Financial Security in accordance with these Regulations must be provided prior to recording the plat and sales of lots to ensure completion of the private streets for emergency access and the use of the lot buyers.

- (g) Proper identification of streets for emergency and other public services is critical to the safety of the residents of a subdivision. The developer shall pay for the street blades and be responsible for the initial installation of street identification sign poles at the intersection of every private roadway, street and cul-de-sac within the proposed subdivision. The County will provide the street blades with a distinct color scheme that indicates the roadway is private and not County maintained.
- (8) Alleys.
 - (a) Alleys, or loading courts, may be required in commercial and industrial areas by the Commissioner's Court upon recommendation of the County Engineer or Director of Public Works.
 - (b) Alleys are not required in residential areas except that same shall be provided where alleys of adjacent subdivisions already platted would be closed or dead-ended by failure to provide alleys in the new subdivision.
 - (c) New industrial, commercial and residential alleys, if provided or required as noted above, shall have a minimum right-of-way width of twenty (20) feet.
 - (d) Unpaved alleys will not be maintained by the County except for occasional blading for drainage purposes.
 - (e) The adjacent property owners are responsible for maintenance including mowing of ROW adjacent to their frontage along the alley.
 - (f) Paved alleys shall be a minimum of 15 feet of paving in a twenty-foot right-of-way.
- (I) 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:
 - (1) 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.
 - (2) 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.

- (J) Access by Emergency Vehicles. As a matter of public health, safety, and welfare, and pursuant to §§ 232.101 and 232.107 of the Texas Local Government Code, and regarding a residential subdivision in the unincorporated area of Ector County, Texas, the following standards and requirements regarding emergency vehicle access are adopted:
- (1) at least two means of ingress and egress in the subdivision shall be provided, and shown by the Developer on the plat, to provide for sufficient routes of travel for use by emergency vehicles and for use during evacuations resulting from fire or other natural disasters; and
 - (2) said means of ingress and egress in the subdivision shall be designed, platted, constructed, and operated pursuant to the road, bridge, drainage, public road access, driveway, and other transportation infrastructure standards or requirements of these Regulations.
- (K) Developer Participation Contracts. Pursuant to the provisions of § 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 Ector 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.
- (L) Utility Connection Requirements. Pursuant to §§ 232.029, 232.101 and 232.106-232.107 of the Texas Local Government Code, the utility connection standards, requirements, and procedure described in **Appendix/SAATS Manual/Exhibits I-J** are adopted and shall apply for all subdivisions subject to governance by these Regulations.
- (M) Use of Firearms, Bows, and Arrows. Regarding the use of firearms, bows, and arrows, in certain subdivisions, the following standards are adopted and approved pursuant to §§ 235.020-.045 of the Texas Local Government Code.
- (1) Definitions. Notwithstanding anything to the contrary stated in these Regulations:
 - (a) this Paragraph N applies to a subdivision which is located in the unincorporated area of the county and for which a plat is required by Chapter 232 of the Texas Local Government Code and these Regulations;
 - (b) "air gun" shall mean any gun that discharges a pellet, BB, or paintball by means of compressed air, gas propellant, or a spring, as defined by § 229.001 of the Texas Local Government Code; and
 - (c) "hunting" shall mean to hunt (i.e., to capture, trap, take, or kill, or an attempt to capture, trap, take, or kill), as defined by § 1.101 of the Texas Parks and

Wildlife Code.

- (2) Firearm Use. To promote public safety, the Commissioners Court hereby prohibits the discharge of firearms on lots that are 10 acres or smaller and located in the unincorporated area of the county in a subdivision; however, this regulation shall not be construed to prohibit the lawful discharge of air guns on the aforesaid lots or as otherwise allowed by law. This regulation does not authorize the Commissioners Court to regulate the transfer, ownership, possession, or transportation of firearms or air guns and does not authorize the Commissioners Court to require the registration of firearms or air guns. Any person is entitled to appropriate injunctive relief to prevent a violation or threatened violation of this regulation from continuing or occurring. A person commits an offense if the person intentionally or knowingly engages in conduct that is a violation of this regulation. An offense under this regulation is a Class C misdemeanor. If it is shown on the trial of an offense under this regulation that the person has previously been convicted of an offense under this section, the offense is a Class B misdemeanor.
 - (3) Bow/Arrow Use. To promote public safety, the Commissioners Court hereby prohibits hunting with bows and arrows on lots that are 10 acres or smaller and located in the unincorporated area of the county in a subdivision. This regulation does not authorize the Commissioners Court to regulate the transfer, ownership, possession, or transportation of bows and arrows and does not authorize the Commissioners Court to require the registration of bows and arrows. Any person is entitled to appropriate injunctive relief to prevent a violation or threatened violation of this regulation from continuing or occurring. A person commits an offense if the person intentionally or knowingly engages in conduct that is a violation of this regulation. An offense under this regulation is a Class C misdemeanor. If it is shown on the trial of an offense under this regulation that the person has previously been convicted of an offense under this section, the offense is a Class B misdemeanor.
- (N) Future Transportation Corridors. Pursuant to § 232.0033 of the 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 Section 201.619 of the Texas Transportation Code:
- (1) the Commissioners Court may 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;
 - (2) the Commissioners Court may 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

- (3) each purchase contract or lease between the Subdivider 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.
- (O) **Regulatory Compliance.** All plats shall demonstrate compliance with the County's (1) sewer, drainage, septic, or OSSF regulations or rules, and (2) floodplain management regulations.
 - (P) **Purchase Contract Disclosure.** Pursuant to § 232.003 of the Texas Local Government Code and other authority, each purchase contract made between a Developer/Subdivider and a purchaser of land in the subdivision shall contain a statement describing the extent to which water will be made available to the subdivision -- and, if it will be made available, how and when water will be made available to the subdivision.
 - (Q) **Lien Subordination Disclosure.** The plat shall contain statements, signed and acknowledged by the Developer and any lienholder (current addresses shown), which certify lienholder consent and lien subordination to all public dedications.
 - (R) **Limitations Regarding County Construction/Maintenance Obligations.** The plat shall contain the statements in the **Appendix/SAATS Manual/Exhibit D** regarding the express limitations regarding County construction or maintenance obligations.
 - (S) **Plat Execution and Certification Matters.**
 - (1) The Developer shall: (a) sign and date the plat, all Developer certifications on the plat, and all required or attached documents requiring Developer execution; (b) acknowledge the plat in the manner required for the acknowledgment of deeds; and (c) attest by affidavit on the plat to the veracity and completeness of the matters described in the plat and all attached documents. The Developer's certification statement requirements appear in the **Appendix/SAATS Manual/Exhibit D**.
 - (2) The plat must be signed, sealed, and certified by the Developer's surveyor and engineer, and said consultants must be currently licensed and in good standing to practice in Texas, and their certification statement requirements appear in the **Appendix/SAATS Manual/Exhibit D**.
 - (3) The final, approved plat shall contain a signature, certification, and acknowledgment by the County Judge as stated in the **Appendix/SAATS Manual/Exhibit D** for Final Plats, and as applicable for Amending or Short Form Plats. The County Clerk shall attest the signature of the County Judge on the plat.

- (4) All signatures, certifications, and plat notes described by these Regulations (including without limitation those described in the attached **Appendix/SAATS Manual/Exhibit D**) shall be required for inclusion on a Final Plat and Short-Form Plat.
- (5) The following additional certifications, in language deemed sufficient by the certifying entity, shall appear on the plat:
 - (a) the Water District having territorial jurisdiction regarding water wells and related permits for the land of the subdivision, shall certify on the plat that (i) the Developer and/or all lot owners in the subdivision shall comply with the active regulations of said district, and (ii) all water wells in the subdivision shall be in compliance with the active regulations of said district;
 - (b) the applicable electric and gas utility service providers for the subdivision shall certify on the plat that (i) 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 (ii) the easements shown on the plat are of sufficient nature, shape, and size to accommodate electric utility service to all lots in the subdivision; and
 - (c) the wastewater, sewer, and septic/OSSF facilities shown on the plat or intended for the subdivision shall be certified by the Developer, the Developer's engineer, and the County's wastewater, sewer, and septic/OSSF regulation officer (or agent or designee) as being in all things compliant with minimum state standards as herein required.
- (6) The County Clerk shall: (a) attest and certify the signature of the County Judge on the final, approved plat using the certifications in the **Appendix/SAATS Manual/Exhibit D**; and (b) show on the plat the date of the order of the Commissioners Court which approved the plat and authorized its filing. When the Final Plat is filed and recorded in the Office of the County Clerk, said clerk shall conspicuously mark and record the Final Plat in the plat records or other official public records of said office, noting on the plat and the internal records of said office the date and time of filing, and the volume/book and page of record where the plat was recorded. Upon "approval" of the Final Plat by the Commissioners Court, the County Clerk shall not in any way mark, record, recite, or describe the plat as "accepted" by the Commissioners Court. By these Regulations it shall be expressly understood that "acceptance" of the Final Plat, if any, (and by consequence the land, roads, easements, improvements, or infrastructure, if any, dedicated to the public on the plat), only can occur, if ever, by a subsequent, separate acceptance order being approved by the Commissioners Court (through a recorded vote at a

public meeting) in compliance with these Regulations.

- (T) Engineering and Construction Plans/Drawings.
- (1) Based on a review of the proposed subdivision and in the interest of public health, safety, and welfare, the County Engineer may recommend to the County that public improvements be required for a proposed subdivision.
 - (2) The engineering and construction plans/drawings for all improvements which are submitted by the Developer to the County for a proposed subdivision shall conform to the requirements of these Regulations and shall be prepared, executed, and sealed by the Developer's Registered Professional Engineer who is licensed to practice in the State of Texas.
 - (3) No public improvements will be accepted or private streets approved without the submission to and approval of the engineering and construction plans/drawings of such improvements by the County Engineer.

**ARTICLE 4 – EXCEPTIONS, VARIANCES, PLAT
REVISION, AND DORMANT PLATS**

§ 4.1 Plat Exceptions and Related Matters.

- (A) Statutory Exceptions. A subdivision plat is not required if the facts establish one or more of the specific plat exceptions described in § 232.0015 of the Texas Local Government Code.
- (B) Local Exceptions. Pursuant to § 232.0015(a) of the Texas Local Government Code (in part stating that a county need not require platting for every division of land otherwise within the scope of Subchapter A of Chapter 232 of said code), the following local exceptions are hereby adopted for proper use and application for subdivisions described in these Regulations:
- (1) Litigation Exception. A subdivision plat is not required to be filed if the division of land occurs pursuant to a final judgment issued by a court in a lawsuit or probate proceeding -- unless the issuing court determines in said judgment that subdivision platting under these Regulations is required.
 - (2) Oil/Gas Production and Energy Facility Exception. The County shall not require the owner(s) of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision filed if:
 - (a) no part of the land is located in a floodplain;
 - (b) no land or improvements will be dedicated to public use;

- (c) all parcels either have 100 feet of frontage in accordance with these Regulations or have access by an approved access easement;
 - (d) no easements or right-of-way dedications normally required by the County for approval of a plat remain undedicated;
 - (e) each parcel or divided part will be developed for the purpose directly related to: (i) the exploration or production of oil, gas or other minerals; or (ii) the generation or transmission of electricity, including wind farms or wind energy production or transmission sites;
 - (f) no buildings or structures on the land are constructed to be occupied on a continuous basis;
 - (g) no water facilities, wells or services for the drinking of water by humans are to be installed, and if any such facilities are utilized, they shall be directly related to the production of oil, gas or other minerals or the generation or transmission of electricity, shall be confined to the actual work site, and shall comply with minimum state standards;
 - (h) no sewer, wastewater, human excreta or other waste removal, septic, or OSSF facilities or services are to be installed, and if any such facilities are utilized, they shall be directly related to the production of oil, gas or other minerals or the generation or transmission of electricity, shall be confined to the actual work site, and shall comply with minimum state standards and the County's active sewer, septic, or OSSF regulations; and
 - (i) if electricity is provided to the site, it is provided only for the direct production of oil, gas or other minerals or the generation or transmission of electricity.
- (C) Post-Exception Application. After a lawful exception is recognized and used pursuant to this § 4.2, and should any lot or parcel thereafter be sold, conveyed, given, or otherwise transferred to an individual or entity that does not meet one or more of the exceptions herein described, the platting requirements of these Regulations shall apply.
- (D) 911 Emergency Services Addressing. Should a plat not be required under these Regulations, the Developer nevertheless shall submit the location of the development project to the County's Planning and Development office (at the office address described in § 1.3) in order to confirm correct information for all addressing necessary for 911 and emergency services addressing purposes. No fees will be charged by the County for this submission in the public interest.

- (E) Conveyance Without Plat Revision. Pursuant to §§ 232.010, 232.101, and 232.107 of the Texas Local Government Code, the Commissioners Court may allow conveyance of portions of one or more previously platted lots by metes and bounds description without revising the plat provided that the conveyance does not violate, alter, amend, diminish, or remove, any recorded covenants, restrictions, or vested property rights, or the purpose of such conveyance, is to avoid dedication of any roadway right-of-ways or public easements.

§ 4.2 Variances.

- (A) Application. These provisions apply to variance requests by a Developer seeking: (1) plat approval regarding proposed subdivision development; and (2) infrastructure development plan approval for proposed manufactured home rental community (“MHRC”) development. When literal enforcement of these Regulations will result in undue hardship to the Developer, and when a variance is in harmony with the general purpose and intent of these Regulations so that the public health, safety, and welfare may be secured and substantial justice done, but subject to any limitations or requirements existing under applicable federal or state law, or county regulations, the Commissioners Court may grant a variance from these Regulations, as hereafter described.
- (B) Procedure. A Developer may request a variance from the County regarding the strict application of these Regulations as described below.
- (1) To obtain consideration for a variance, the Developer must timely submit a written variance request in the plat application or MHRC infrastructure development plan application. The variance application must describe in detail all special circumstances that exist to support the variance.
 - (2) Through the exercise of its discretion, the Commissioners Court may grant a variance from the strict application of these Regulations. However, the Court may not grant a variance regarding the following matters: (a) the requirement of an approved plat, as described in these Regulations -- but subject to the plat exceptions described in these Regulations; (b) the requirement of a bond or other financial security; and (c) the payment of fees unless the variance applicant is a unit of government or non-profit entity.
 - (3) A variance may be granted by the Commissioners Court, within its discretion, only when the clear and convincing evidence establishes all of the following: (a) a special circumstance exists which, if these Regulations are strictly enforced, will deprive the Developer of a privilege, use, or safety enjoyed by similarly situated owners or Developers with similarly timed development of the same nature and scope – and pecuniary hardship, standing alone, shall not be deemed to constitute an undue hardship or special circumstance to support the granting of a variance; (b) the variance constitutes only a minimum departure from these Regulations; (c) 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; and (d) the variance is based on the general intent of these Regulations and is deemed to be in the public interest.

- (4) Notwithstanding anything to the contrary stated in this section, a variance shall not be granted: (a) if it would have the effect of preventing the safe, healthy, orderly development of other land in the area in accordance with these Regulations; (b) an ad valorem tax delinquency exists regarding the land made the subject of proposed development; or (c) without the approval of the Commissioners Court acting through an order entered as a result of a recorded vote in a public meeting held in compliance with the Texas Open Meetings Act.

§ 4.3 Plat Revision, Vacation, Replat, Amendment, and Cancellation. The County adopts the plat revision, vacation, replat (without vacation), amendment, and cancellation standards and procedures described in §§ 232.008, 232.0083, 232.0095, 232.010, 232.101, and 232.107 of the Texas Local Government Code. All Developers seeking approval of a replat shall comply with the requirements of these Regulations and Chapter 232 of the Texas Local Government Code.

§ 4.4 Dormant Plat. Pursuant to § 232.002 of the Texas Local Government Code, if no portion of the land subdivided under an approved plat is sold or transferred before January 1st of the 2nd year after the year in which the plat was approved, the approval of the plat expires, and the developer must resubmit a plat of the subdivision for approval.

ARTICLE 5 – MHRC REGULATIONS

§ 5.1 Manufactured Home Rental Community Regulations. Pursuant to § 232.007 of the Texas Local Government Code, the Commissioners Court approves and adopts the following Regulations for Manufactured Home Rental Communities (“MHRC”).

- (A) Application. These standards and requirements shall apply to all MHRC development projects located in the unincorporated area of Ector County, Texas.
- (1) The County’s MHRC application form is described in the **Appendix/SAATS Manual/Exhibit B** and provided at no cost to the public at the office of the County’s Director of Planning and Development at the notice address described in § 1.3 of these Regulations. That form describes all required documents for submission by the Developer to the County for a completed MHRC application.
- (2) A completed MHRC application shall constitute: (a) the fully completed and executed application; (b) the required infrastructure development plan (or “plan”) and all supporting documents as herein described; and (c) 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.

- (B) Infrastructure Development Plan. Construction and occupancy of an MHRC may not begin before the plan has been approved by the County, as follows:
- (1) Drainage. The plan shall provide adequate drainage for the MHRC, including without limitation: (a) the provision of adequate drainage for the MHRC, including all streets or roads therein, in accordance with standard engineering practices; (b) the specification and provision of necessary drainage culverts and other drainage facilities for the MHRC; (c) the identification of all areas of the MHRC located in the floodplain; (d) providing that any additional drainage runoff will not damage adjacent properties; and (e) providing drainage detention facilities where needed to prevent damaging flooding and runoff. The drainage requirements for the MHRC shall be in compliance with the following standards: all drainage requirements described for subdivisions in these Regulations.
 - (2) Water. The plan shall describe and specify: (a) the provision of an adequate public or community drinking water supply to the MHRC in accordance with minimum state standards and as required and described for subdivisions in these Regulations; (b) the location of all facilities and supply lines for said water supply in accordance Subchapter C, Chapter 341 of the Texas Health and Safety Code; (c) private water systems serving up to a maximum of 14 connections from a single well and not classified as a public well, or any other type of private water service to individual units, meeting the requirements of and approved by the Ector County Health Department and in accordance with County and State regulations; and (d) that the conveyance of potable water by transport truck or other mobile device to supply the domestic needs is not an acceptable method, except on an emergency basis -- and the absence of a water system meeting these standards due to the negligence of the Developer is not an emergency.
 - (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 as required and described for subdivisions in these Regulations, and including: (a) providing and identifying the location of all sanitary sewer facilities and lines; (b) providing and identifying adequate sewer, septic, or OSSF facilities and lines in accordance with Chapter 366, of the Texas Health and Safety Code; (c) compliance with the County's active sewer, drainage, septic, or OSSF regulations; (d) compliance with the County's active floodplain management regulations; and (e) compliance with state and federal law.
 - (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 and describe all information or components as required and described for subdivisions in these Regulations, including without limitation: (a) the proposed MHRC boundaries, and any significant features located therein; (b) the proposed location of all spaces, lots, or other divided parts of the MHRC; (c) the proposed or existing

utility, road, and drainage easements; (d) all land of the development project located in a floodplain; and (e) the dedications of easements and rights-of-way, if any.

- (5) Roads. The plan shall identify and describe all roads, streets, and bridges in the MHRC, in the manner as required for subdivisions in these Regulations, including without limitation: (a) the roads, streets, and bridges shall be designed and constructed to comply with standards and requirements, and to provide ingress and egress for fire and emergency vehicles, in the manner as required and described for subdivisions in these Regulations; (b) all roads, drives, aisles, or other divided parts serving as rental spaces in the MHRC shall be identified, and said divided parts serving as rental spaces located more than 150 feet from a paved roadway shall be paved to provide ingress/egress under all weather conditions for fire and emergency vehicles; and (c) said roads, drives, aisles, or other divided parts shall be constructed in accordance the requirements of residential driveways described in the Appendix/SAATS Manual.

(C) Lawful Compliance.

- (1) The plan and all other documents submitted to the County to support a request for MHRC infrastructure development plan approval and MHRC occupancy and operation, must be truthful, accurate, correct, and prepared in compliance with the requirements (including methodology) prescribed by law and these Regulations, including the applicable statutes and regulations of the State of Texas and federal government (and the administrative agencies thereof), and the County's active flood damage prevention order or other floodplain management regulations, sewer, septic, OSSF or other wastewater regulations, or other land development regulations.
- (2) Regarding the submitted MHRC plan, the Developer shall demonstrate lawful compliance with: (a) all applicable requirements of these Regulations; (b) the County's floodplain, water, drainage, sewer, and/or septic regulations; (c) if applicable, the regulations of ECUD as a water supplier to the MHRC development (if applicable), or the regulations of the Water District (if any) 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; (d) the electric and gas utility service provider regulations or requirements for the MHRC, with the inclusion of a provider certification on the plan showing that electric and gas utility service will be available to all lots or spaces in the MHRC and (e) minimum state standards for water/wastewater service to all lots or divided spaces in the MHRC.

- (D) Signature and Completeness. The MHRC application and proposed plan shall be: (1) signed, dated, approved, and acknowledged by the Developer; and (2) signed, dated, approved, and stamped by the Developer's Texas Registered Professional Engineer and

Texas Registered Professional Land 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 fully executed and complete MHRC application and proposed MHRC plan (being fully executed, complete and in compliance with these Regulations), and with required fees, shall be submitted by the Developer to the County’s Director of the Planning and Development at the notice address described in § 1.3. The Developer shall meet with said Department’s representative within 14-days after submission of the plan for the purpose of a preliminary review and discussion of the proposed development project, the proposed plan, and all documents to support the plan submission.
- (F) **Fee Schedule.** A reasonable fee schedule is adopted and approved for MHRC development as described in **Appendix/SAATS Manual/Exhibit C**. The fees (except recording fees) must be paid to the County before the County conducts a review of the proposed development project.
- (G) **County Review.** The County (through its designee) shall review the plan and thereafter shall approve or reject the plan in writing pursuant to the procedures described in § 232.007 of the Texas Government Code. The County may deny the MHRC and its proposed plan if: (a) the plan does not comply with these Regulations; (b) the required fees are not paid; or (c) a delinquent ad valorem tax liability exists for the land made the subject of the MHRC. If the plan is approved, all infrastructure and development of the MHRC must be constructed in compliance with the plan. If the plan is rejected, the written rejection shall specify the reasons for the rejection. If the plan is approved, the County designee shall so certify on the plan, and shall acknowledge the plan. The plan shall be filed and recorded in the Office of the County Clerk by the Developer on or before 7-days from the date of plan approval.
- (H) **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.
- (I) **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.

§ 5.2 MHRC Variance. The Commissioners Court or its designee may grant a variance from these MHRC standards and requirements pursuant to the variance procedures described in § 4.2 of the Regulations.

ARTICLE 6 – ENFORCEMENT AND INSPECTION

§ 6.1 Enforcement. All applicable civil enforcement remedies and penalties, criminal enforcement remedies and penalties, and litigation recovery rights (whether legal, equitable, or mixed) authorized by these Regulations, or by Texas or federal law, are hereby adopted, approved and shall be implemented for a violation or threatened violation of these Regulations, including without limitation the following enforcement authority: Chapters 232, 233, and 235 of the Texas Local Government Code; Chapter 12 of the Texas Property Code; Chapter 16, Subchapter I, of the Texas Water Code; the County’s active floodplain management regulations; the County’s active sewer, septic, or OSSF regulations; and all other enforcement authority described in these Regulations. Nothing contained in these Regulations shall prevent the County from taking necessary or desired action to prevent or remedy a violation or threatened violation of these Regulations as allowed by law.

§ 6.2 Inspection. The County’s officers, employees, agents, or consultants, as determined by the Commissioners Court, are authorized to: inspect proposed or active development projects to determine compliance with these Regulations; and make recommendations to the Commissioners Court regarding violations or threatened violations of the Regulations or other applicable authority pertaining to land development in the unincorporated area of Ector County, Texas.

[END OF REGULATIONS]

CERTIFICATE OF ADOPTION

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

ADOPTED: **December 28, 2022**

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

EXECUTED on the 28th day of December, 2022.

Hon. Debi Hays, County Judge
Ector County, Texas

ATTEST:

County Clerk or Deputy County Clerk
Ector County, Texas



**APPENDIX/SUBDIVISION APPLICATION,
APPROVAL, AND TECHNICAL SPECIFICATIONS
("SAATS") MANUAL TO:**

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

EFFECTIVE DATE: DECEMBER 28, 2022



APPENDIX/SAATS MANUAL: EXHIBIT A
ECTOR COUNTY, TEXAS – SUBDIVISION PLAT APPLICATION FORM

DATE: _____ COMMISSIONER PRECINCT: _____

PROPOSED SUBDIVISION: _____

TRACT SIZE AND LOCATION: _____

TOTAL NUMBER OF LOTS: _____

NAME OF NEAREST PUBLIC ROAD(S): _____

CHECK ALL THAT APPLY:

- | | |
|--------------------------------------|--------------------------------------|
| <input type="checkbox"/> WATER WELL | <input type="checkbox"/> OTHER _____ |
| <input type="checkbox"/> NATURAL GAS | <input type="checkbox"/> OTHER _____ |

OWNER/APPLICANT: _____ **ENGINEER:** _____

Address: _____ Address: _____

Telephone: _____ Telephone: _____

Email: _____ Email: _____

SURVEYOR:

Address: _____

Telephone: _____

Email: _____

1. Regarding a proposed subdivision, the following documents are required to be submitted for review at the time of the Plat Application (“Application”): all documents required for subdivision plats by the active Subdivision and Manufactured Home Rental Community Regulations for Ector County, Texas (“Regulations”), the contents of which are incorporated by reference, said documents being described in the attached **Documents 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 documentation to the following public office as described in the regulations: Director of Planning and Development Department for Ector County, 1010 E. 8th Street Suite #114, Odessa, Texas, 79761.

3. Will the Developer seek a variance from the Commissioner's Court?
- Yes No. If Yes, identify and describe all issues to support the variance requested pursuant to the Regulations and attach all supporting documents to this Application, including an estimate of the cost of the variance items requested, if any.

4. Will any land, improvements, roads, streets, utility or transportation infrastructure, or facilities be dedicated to public use?
- Yes No. If Yes, identify them and attach all reports, plans, drawings, and specifications related to those dedicated improvements, infrastructure, or facilities. Proof of ownership of any off-site dedications or easements associated with the plat are required.

5. Will the subdivision be served by private water (including groundwater or surface water) facilities or wastewater (including septic or OSSF) facilities?
- Yes No. If Yes, identify them and attach all reports, plans, drawings, and specifications related to those improvements, infrastructure, or facilities:

6. Will the subdivision require a permit or other approval by another government or private entity?
- Yes No. If Yes, identify all such entities and attach copies of any active permits obtained from those entities for the proposed development:

7. Is the proposed development located in an area of special flood hazard or floodway described by federal or state data sources, including a FEMA floodplain map?
- Yes No. If Yes, identify all areas of special flood hazard or floodways in which all or part of the proposed development is located:

8. Have you paid all permit fees required by the County or other government of private entity for the proposed development?

Yes No. If No, please explain why you have not done so:

9. Does a delinquent tax liability or tax lien exist on the real property being subdivided?

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.

10. Please note the following:

- (a) Do you choose to participate in the County’s Voluntary Preliminary Review procedure described § 3.7 of the Regulations? Yes No. If Yes, please attach: (i) the required written notice to the County regarding that Developer’s decision; and (ii) all preliminary documents (i.e., concept plan, site plan, preliminary plat or other documents deemed by you relevant regarding the development project) that you request the County to review for the voluntary preliminary review procedure.

- (b) Do you choose to participate in the County’s Short-Form Plat procedure described in § 3.8 of the Regulations? Yes No. If Yes, please attach all documents: (i) showing that the proposed subdivision qualifies for the Short-Form Plat procedure; and (ii) required by the Regulations for Short-Form Plat procedure submission and approval.

- (c) Are you requesting a replat, plat revision, plat amendment, plat vacation, or plat cancellation of a subdivision plat pursuant to the procedure described in § 4.3 of the Regulations? Yes No. If Yes, please attach all documents: (i) explaining and showing the lot or lots to be affected by requested procedure; and (ii) which support the submission and approval of the requested procedure pursuant to the Regulations.

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

I have read the active Subdivision and Planning and Development Regulations for Ector County, Texas. All documents required by the regulations 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.

Owner/Applicant Signature

Printed Name: _____

Title: _____

Date: _____

Receipt by County

Received By: _____

Printed Name: _____

Title: _____

Ector County, Texas

Date: _____

DOCUMENT LIST FOR SUBDIVISION PLAT APPLICATION

Regarding a proposed subdivision development project as described in the Regulations, the following documents are required to be submitted with the Subdivision Plat Application Form:

- (a) _____ a complete and executed Plat Application in compliance with the Regulations, with all required documents and payment of fees;
- (b) _____ 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;
- (c) _____ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the Regulations regarding required plat formatting and other information, including without limitation: (i) property

description, identifying data, and signatures; (ii) survey data; (iii) metes and bounds descriptions; (iv) lot, block, and other part dimensions; (v) water (including groundwater and surface water), sewer, and OSSF facility and service disclosures; (vi) drainage plan; (vii) topographical descriptions with contour lines; (viii) road, driveway, lot, frontage, and floodplain descriptions; (ix) utility connection requirements; (x) purchase contract disclosure; (xi) compliance with the water availability requirements of the Regulations; (xii) compliance with the active regulations of the Water District, if any, with territorial jurisdiction regarding all or part of the proposed land of the subdivision if groundwater is the source of the water for the subdivision; (xiii) lien subordination; and (xiv) plat execution and certification;

- (d) ___ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with utility connection and plat certification requirements of the Regulations;
- (e) ___ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the purchase contract disclosure obligation of the Developer regarding water availability implementation;
- (f) ___ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the express limitations (and related, mandatory plat certification requirements) state in the Regulations 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;
- (g) ___ 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 and state law requirements, including minimum state standards regarding water (including groundwater and surface water), sewer, septic, OSSF and related facilities; (ii) compliance with specific property description, identifying data, and proper signature requirements; (iii) compliance with specific survey data requirements; (iv) compliance with specific lot and block dimension requirements; (v) compliance with the water availability requirements and wastewater requirements of the Regulations; (vi) compliance regarding a reasonable drainage plan for the subdivision, including the management of storm water runoff, pursuant to the standards described in the Regulations; (vii) compliance with specific topographical description requirements; (viii) compliance with specific road/driveway, lot frontage, and floodplain management requirements; and (ix) compliance with the development standards and requirements described in the Regulations;
- (h) ___ a proposed subdivision plat and all supporting documents describing and demonstrating compliance with the bond or other financial security requirements in the Regulations;
- (i) ___ 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;
- (j) ___ documents showing payment of all required fees; and
- (k) ___ documents supporting your answers to Items (1) through (10) above.



APPENDIX/SAATS MANUAL: EXHIBIT B
ECTOR COUNTY, TEXAS – MANUFACTURED HOME RENTAL
COMMUNITY (MHRC) APPLICATION FORM

DATE: _____ COMMISSIONER PRECINCT: _____

PROPOSED MHRC: _____

TRACT SIZE AND LOCATION: _____

TOTAL NUMBER OF LOTS, PARKS OR SPACES: _____

NAME OF NEAREST PUBLIC ROAD(S): _____

CHECK ALL THAT APPLY:

- | | |
|--------------------------------------|--------------------------------------|
| <input type="checkbox"/> WATER WELL | <input type="checkbox"/> OTHER _____ |
| <input type="checkbox"/> NATURAL GAS | <input type="checkbox"/> OTHER _____ |

OWNER/APPLICANT: _____ **ENGINEER:** _____

Address: _____ Address: _____

Telephone: _____ Telephone: _____

Email: _____ Email: _____

SURVEYOR: _____

Address: _____

Telephone: _____

Email: _____

1. Regarding a proposed MHRC, the following documents are required to be submitted to Ector County (“County”) for review at the time of the MHRC Application (“Application”): all documents required for MHRC by the active Subdivision and Manufactured Home Rental Community Regulations for Ector County, Texas (“Regulations”), the contents of which are incorporated by reference, said documents being described in the attached **Documents 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 documentation to the following public office as described in the regulations: Director of Planning and Development Department for Ector County, 1010 E. 8th Street Suite #114, Odessa, Texas, 79761.

3. Will the Developer seek a variance from the Commissioner's Court?
 Yes No. If Yes, identify and describe all issues to support the variance requested pursuant to the Regulations and attach all supporting documents to this Application, including an estimate of the cost of the variance request items requested, if any.

4. Will any land, improvements, roads, streets, utility or transportation infrastructure, or facilities be dedicated to public use?
 Yes No. If Yes, identify them and attach all reports, plans, drawings, and specifications related to those dedicated improvements, infrastructure, or facilities. Proof of ownership of any off-site dedications or easements associated with the plat are required.

5. Will the MHRC require a permit or other approval by another government or private entity?
 Yes No. If Yes, identify all such entities and attach copies of any active permits obtained from those entities for the proposed development:

6. Is the proposed development located in an area of special flood hazard or floodway described by federal or state data sources, including a FEMA floodplain map?
 Yes No. If Yes, identify all areas of special flood hazard or floodways in which all or part of the proposed development is located:

7. Will the MHRC be served by private water (including groundwater or surface water) facilities or wastewater (including septic or OSSF) facilities?
 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 be served by a public water or sewer system?

Yes No. If Yes, identify the public service suppliers and attach all reports, plans, drawings, and specifications related to those improvements, infrastructure, or facilities.

9. Is the proposed development located in an area of special flood hazard or floodway described by federal or state data sources, including a FEMA floodplain map?

Yes No. If Yes, please provide elevation certificate.

10. Have you paid all permit fees required by the County or other government of private entity for the proposed development?

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 being subdivided?

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. Please note the following:

(a) Pursuant to the definition of a “Manufactured Home” in § 2.1(C)(21) of the Regulations, please identify with specificity the number, type, and construction characteristics of the manufactured homes to be placed in the proposed MHRC development site:

(b) Pursuant to the definition of a “Manufactured Home Rental Community” in § 2.1 (C)(22) of the Regulations, please identify:

i. the contract terms of the lease or rental agreements proposed for the MHRC development site, and attach a blank copy of such an agreement, if available: _____

- ii. whether a rental or lease agreement with a contract term of more than 60-months, or a purchase option contract of any length, will be used to support an occupancy agreement for a lot, space, or divided part in the MHRC development site: _____
_____ ; and
- iii. whether fee simple or other title to a lot, space, or other divided part in the MHRC development site will be sold, granted, or conveyed by deed, contract for deed, or other executory contract to a willing buyer, donee, or other grantee:

_____ .

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

I have read the active Subdivision and Planning and Development Regulations for Ector County, Texas. All documents required by the regulations 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.

Owner/Applicant Signature

Printed Name: _____

Title: _____

Date: _____

Receipt by County

Received By: _____

Printed Name: _____

Title: _____

Ector County, Texas

Date: _____

DOCUMENT LIST FOR MHRC APPLICATION

The following documents shall be submitted with the MHRC Application Form, as required by the Regulations:

- (a) _____ a complete and executed MHRC Application in compliance with the Regulations, with all required documents and payment of fees;

- (b) _____ a proposed infrastructure development plan (“Plan”) as described by the Regulations, which is fully executed, certified, and acknowledged by the proper parties (including the Developer and its engineer and surveyor) designated in the Regulations – but excluding from compliance at MHRC Application submission the following matters (i) the signatures, acknowledgements, and/or certifications of the County’s representatives, and (ii) the filing or recordation of the Plan;
- (c) _____ a proposed Plan and all supporting documents describing and demonstrating compliance with the drainage, water, and wastewater requirements of the Regulations, including without limitation providing accurate descriptions and specifications regarding: (i) adequate drainage for the MHRC, including all streets or roads therein, in accordance with standard engineering practices; (ii) necessary drainage culverts and other drainage facilities for the MHRC; (iii) areas of the MHRC located in the floodplain; (iv) the provision of an adequate public or community water supply to the MHRC; in accordance with minimum state standards and the Regulations; (v) the location of all facilities and supply lines for said water supply in accordance with the Subchapter C, Chapter 341 of the Texas Health and Safety Code; (vi) compliance with the active regulations of Water District, if any, with territorial jurisdiction regarding all or part of the proposed MHRC development site if groundwater is the source of water for the MHRC; (vii) the provision of access of the MHRC to sanitary sewer or septic facilities and lines, in accordance with minimum state standards – and including (1) providing and identifying the location of all sanitary sewer facilities and lines and (2) providing and identifying adequate OSSF sewage facilities and line in accordance with Chapter 366 of the Texas Health and Safety Code; and (viii) compliance with the road, driveway, and road access requirements of the Regulations.
- (d) _____ a proposed Plan and all supporting documents describing and demonstrating compliance with all land survey requirements of the Regulations, including: (i) an accurate description of the proposed MHRC boundaries, and any significant features located therein; (ii) the proposed location of all spaces, lots, or other parts of the MHRC; (iii) the proposed or existing utility, road, and drainage easements; and (iv) the dedications of easements and right-of-ways, if any;
- (e) _____ a proposed Plan and all supporting documents describing and demonstrating compliance with the road requirements of the Regulations, including without limitation providing accurate descriptions and specifications regarding all roads to be located in the MHRC, with said roads to be constructed in compliance with the road and street standards and requirements described in these regulations for subdivisions;
- (f) _____ a proposed Plan and all supporting documents describing and demonstrating compliance with all applicable requirements of: (i) the Regulations; (ii) state and federal law; (iii) the County’s active floodplain management, sewer, drainage, septic, or OSSF regulations;
- (g) _____ a proposed Plan and all supporting documents describing and demonstrating the Developer’s knowledge of, and expressed intent to comply with the specific restrictions described in the Regulations regarding the prohibited: (i) construction and/or occupancy of the MHRC prior to issuance by the County of the MHRC compliance certificate; and (ii) provision of utility 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 compliance certificate issued by the County;
- (h) _____ 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;
- (i) _____ documents showing payment of all required fees; and
- (j) _____ documents supporting your answers to Items (1) through (12) above.

APPENDIX/SAATS MANUAL: EXHIBIT C

FEE SCHEDULE

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

- (1) Requirements.
 - (a) Subdivision plat application fees shall be paid by the Developer to the County’s Director of Planning and Development at the time of application submission – but recording fees pertaining to approved subdivision plats shall be paid to the County Clerk by the Developer upon plat filing and recordation.
 - (b) Regarding MHRC applications or certificates of compliance, no fees shall be required -- but recording fees pertaining to approved MHRC infrastructure development plans shall be paid to the County Clerk by the Developer upon plan filing and recordation.
 - (c) Regarding subdivision plats (including the original or amended instruments), the County shall require:
 - (i) financial reimbursement regarding all third-party engineering review fees and inspection costs, if any, incurred by the County for its review of submitted subdivision plats (including replats, plat revisions, or plat amendments) and the supporting documents pertaining thereto; and
 - (ii) said reimbursement shall be paid by the Developer after having received written notice from the County of the incurred fees and costs, and before a decision is made by the County regarding approval of a submitted plat.
 - (d) All fee and cost amounts shall be paid in full by cashier’s check or money order, payable to the order of Ector County, Texas, and shall be timely delivered by hand, courier, or mail to:
 - (i) regarding subdivision plat fees and costs (including replats, plat revisions, or plat amendments) and certificates of compliance – to the County’s Director of Planning and Development at his business office address described in § 1.3 of the Regulations; and
 - (ii) regarding recording fees for approved subdivision plats (including replats, plat revisions, or plat amendments) and for approved MHRC infrastructure develop plans -- to the Ector County Clerk at her business office described

in § 2.1(C)(7) of the Regulations.

(2) Fee Amounts.

- (a) Regarding subdivision plats (including the original or amended instruments – but not replats, plat revisions, or plat amendments), the following fees are required: (i) a base application fee of \$3,000.00, plus an additional \$100.00 per lot, space, or divided part fee; (ii) the reimbursement of all third-party engineering review and inspection costs, if any, incurred by the County regarding its review of the submitted instruments and supporting documents; (iii) a fee of \$100.00 per certificate for the issuance of certificates of compliance; and (iv) all required recording fees upon plat approval (please contact the office of the Ector County Clerk for the active recording fee schedule).
- (b) Regarding subdivision replats, plat revisions, or plat amendments (including the original or amended instruments) the following fees are required: (i) a base application fee of \$1,000.00 per affected lot on the plats; (ii) the reimbursement of all third-party engineering review and inspection costs, if any, incurred by the County regarding its review of the submitted instruments and supporting documents; (iii) a fee of \$100.00 per certificate for the issuance of certificates of completion; and (iv) all required recording fees upon plat approval (please contact the office of the Ector County Clerk for the active recording fee schedule).
- (c) Regarding approved MHRC infrastructure development plans (including the original or amended instruments), the following fees are required: all required recording fees upon plan approval (please contact the office of the Ector County Clerk for the active recording fee schedule).

APPENDIX/SAATS MANUAL: EXHIBIT D

PLAT CERTIFICATIONS AND NOTES

(A) Certification and Affidavit of Developer.

The undersigned Developer of the real property made the basis of the _____ (“Subdivision”) made the subject of this subdivision plat, and pursuant to the active Subdivision and Manufactured Home Rental Community Regulations of Ector County, Texas (“Regulations”), does hereby certify the following: (1) this plat and its attached documents are in compliance with the Regulations; (2) the representations on this plat and its attached documents are true and correct; (3) the Developer shall comply with the Regulations regarding the development of the Subdivision; (4) all dedicated real property, roads, streets, easements, improvements, facilities, or other property described on this plat are dedicated to the use and benefit of the public forever; and (5) lienholder consent and lien subordination has been obtained regarding all public dedications shown on this plat, and the lienholder consent and subordination documents are attached to this plat and incorporated by reference.

EXECUTED on this the ___ day of _____, _____.

Developer: _____
By: _____
Printed Name: _____
Title: _____

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the ___ day of _____, _____.

Notary Public/State of Texas
My Commission Expires: _____

Notary Seal

THIS INSTRUMENT WAS ACKNOWLEDGED before me, the undersigned authority, on this the _____ day of _____, _____, by _____, the _____ of _____, by and on behalf of said _____.

Notary Public/State of Texas
My Commission Expires: _____

Notary Seal

(B) Certification of Developer’s Surveyor.

I, the undersigned Texas Registered Professional Land Surveyor for the Developer named in and executing this subdivision plat, and on behalf of said Developer, do hereby certify the following: (1) this subdivision plat and its attached documents represent a true and accurate survey on the ground made by me of the real property made the basis of this plat; (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 its attached documents comply with and satisfy all surveying and plat drafting requirements described in the active Subdivision and Manufactured Home Rental Community Regulations for Ector County, Texas; and (6) all surveying representations on this plat and its attached documents are true, correct, and in compliance with the current standards of registered professional land surveying practice in the State of Texas.

EXECUTED on this the ___ day of _____, _____.

Name

Printed Name: _____

Texas Registered Professional Land Surveyor No. _____

Texas Registered Professional Land Surveyor Seal

(C) Certification of Developer’s Engineer and Related Plat Notes.

I, the undersigned Texas Licensed Professional Engineer for the Developer named in and executing this subdivision plat, and on behalf of said Developer, do hereby certify the following: (1) this subdivision plat, its attached documents, and the subdivision identified in this plat, are in compliance with and satisfy all engineering requirements of the Subdivision and Manufactured Home Rental Community Regulations for Ector County, Texas (“Regulations”); (2) all engineering, design, and construction representations or requirements in this plat and its attached documents (including without limitation those pertaining to drainage, road, water, and wastewater matters) are true, correct, and in compliance with the current standards of licensed professional engineering practice in Texas and the requirements of the Regulations.

EXECUTED on this _____ day of _____, _____.

Name

Printed Name: _____

Texas Licensed Professional Engineer No. _____

Licensed Professional Engineer Seal

All plats shall contain the following notes:

Subdivision design, layout and construction shall be done to minimize any adverse impact to private property, public property, all easements, and all public or private rights-of-way either within or outside this subdivision. Provisions must be made to assure that no adverse impact is made to existing drainage systems within public rights-of-way shown on this plat. All drainage design, layout and construction shall comply with all applicable laws of the State of Texas and the United States of America.

Property owners of land in this subdivision may not utilize drainage easements for any purpose detrimental to the intended use of the easement. No objects including but not limited to buildings, fences, or landscaping, shall be allowed in a drainage easement except as approved by Ector County, Texas.

(D) Certification by Ector County Staff Regarding OSSF Facilities and Related Note.

I, the undersigned Ector County development staff member, do hereby certify the following: (1) the subdivision described in this plat shall comply with the active Subdivision and Manufactured Home Rental Community Regulations for Ector County, Texas, and the active regulations of the State of Texas and Ector County, Texas regarding on-site sewage facilities (“OSSF”); and (2) individual OSSF system approval for lots in this subdivision will be made in conjunction with a site evaluation with respect to the individual site permitting process, in accordance with the 30 TAC Chapter 285 and other authority.

EXECUTED on this the ____ day of _____, _____.

Name
Print Name: _____
Title: _____
Ector County, Texas

All plats shall contain the following note:

Prior to construction activities regarding any lot in this subdivision, the lot owner shall contact the Director of Planning and Development of Ector County, Texas. All lots in this subdivision are required to comply with the then current and active wastewater and OSSF regulations approved and adopted by Ector County, Texas. Individual OSSF system approval for lots in this subdivision will be made in conjunction with a site evaluation with respect to the individual site permitting process, in accordance with the 30 TAC Chapter 285 and other authority.

(E) Certification by Ector County Floodplain Administrator and Related Note.

I do hereby certify the following: (1) the subdivision described in this plat [**insert: includes or does not include**] areas within a designated 100-year flood hazard zone according to Flood Insurance Rate Map No. _____ for Ector County, Texas, dated _____; [**include the following if said areas are present**] and (2) said flood hazard zone areas are accurately described and depicted on the plat as required by the active Subdivision and Manufactured Home Rental Community Regulations for Ector County, Texas.

EXECUTED on this the ____ day of _____, _____.

Name
Print Name: _____
Floodplain Administrator
Ector County, Texas

All plats shall contain the following note:

Prior to construction on any lot in this subdivision that includes areas within a designated 100-year flood hazard zone, the owner of said lot shall contact the Ector County Floodplain Administrator to request a floodplain development permit. The owner of a lot in this subdivision is responsible for compliance with the active Ector County Flood Damage Prevention Order or other active floodplain management regulations of said county.

(F) Certification by Director of Planning and Development of Ector County, Texas and Related Note.

I do hereby certify that this subdivision plat is in compliance with and satisfies all requirements of the active Subdivision and Manufactured Home Rental Community Regulations for Ector County, Texas.

EXECUTED on this the ____ day of _____, _____.

Name
Print Name: _____
Director of Planning and Development
Ector County, Texas

All plats shall contain the following note:

Prior to construction on any lot in this subdivision, the lot owner shall contact the Director of Planning and Development of Ector County, Texas to request a driveway construction permit. The lot owner is responsible for construction of any driveway in accordance with the active regulations of said county.

(G) Certification by County Engineer.

I, the undersigned Texas Licensed Professional Engineer for Ector County, Texas, and on behalf of said County, do hereby certify the following: (1) this subdivision plat, its attached documents, and the subdivision identified in this plat, are in compliance with and satisfy all engineering requirements of the Subdivision and Manufactured Home Rental Community Regulations for Ector County, Texas (“Regulations”); (2) all engineering, design, and construction representations or requirements in this plat and its attached documents (including without limitation those pertaining to drainage, road, water, and wastewater matters) are in compliance with the current standards of licensed professional engineering practice in Texas and the requirements of the Regulations.

EXECUTED on this ____ day of _____, _____.

Name
Printed Name: _____
Texas Licensed Professional Engineer No. _____
Engineer for Ector County, Texas

Licensed Professional Engineer Seal

(H) Certification of County Judge and Related Note.

I, the undersigned, the County Judge of Ector County, Texas and the Presiding Officer of the Commissioners Court of Ector County, Texas (the governing body of said county), do hereby certify the following on behalf of said county and Commissioners Court: (1) this plat of the named _____ Subdivision has been submitted to and considered by the Commissioners Court of Ector County, Texas and is hereby approved on this the ____ day of _____, _____ at _____ .m. by said Commissioners Court through a recorded vote in a public meeting 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 Ector County, Texas pursuant to and in compliance with the active Subdivision and Manufactured Home Rental Community Regulations for Ector County, Texas, Section 12.002 of the Texas Property Code, and other authority.

EXECUTED on this the ____ day of _____, _____

Name
Print Name: _____
County Judge
Ector County, Texas

ATTEST:

Name

Print Name : _____

County Clerk or Deputy County Clerk

Ector County, Texas

Commissioners Court Seal

All plats shall contain the following note:

Ector County, Texas hereby expressly states the following regarding water availability regarding the subdivision described by this plat:

- (1) compliance with the water availability requirements of the active Subdivision and Manufactured Home Rental Community Regulations for Ector County, Texas does not ensure that adequate and sufficient groundwater or surface water (including the quantity or quality of water) is now or ever will be available to service the domestic or other needs of this subdivision or any lot or divided space therein located; and
- (2) no guarantee can be made that adequate and sufficient groundwater or surface water (including the quantity or quality of water) is now or ever will be available to service the domestic or other needs of this subdivision or any lot or divided space therein located

(I) Certification of Ector County Clerk.

The County Clerk must: (1) attest and certify the signature of the County Judge on the approved plat; and (2) show on the plat the date of the Commissioners Court action which approved the plat and authorized its filing. When the plat is filed and recorded in the Office of the County Clerk, said clerk must conspicuously mark and record the plat in the plat records or other official public records of said office, noting on the plat and the internal records of said office the date and time of filing, and the volume/book and page of the record where the plat was recorded. Upon "approval" of the plat by the Commissioners Court, the County Clerk shall not in any way mark, record, recite, or describe the plat as "accepted" by the Commissioners Court. Pursuant to these Regulations, it shall be expressly understood that "acceptance" of the plat (and/or the land, roads, easements, improvements, or other property, facilities, or infrastructure dedicated to the public on the plat), can only occur, if ever, by a subsequent, separate acceptance order being enacted and approved by the Commissioners Court through a recorded vote at a public meeting in compliance with the Regulations.

The County Clerk certification is as follows:

Approved by the Commissioners Court of Ector County, Texas, on the ____ day of _____, _____, at _____ .m., by Order No. _____ of said Commissioners Court.

Filed for record on the ____ day of _____, _____ at _____ .m.

Recorded on the ____ day of _____, _____ at _____ .m., pursuant to Instrument No. _____ in the _____ Records of Ector County, Texas.

Name
Print Name: _____
County Clerk or Deputy County Clerk
Ector County, Texas

County Clerk Seal

(J) Certification by ECUD or Water District (If Any) and Related Note.

Should ECUD serve as the water provider for, or a Water District exist with territorial jurisdiction regarding all or part of, the subdivision land area (see § 2.1(14), (44), and (45) of the Regulations), the following plat certification is required:

I certify that this plat is in compliance with the active regulations of this district as revised on _____.

EXECUTED on this the ____ day of _____, _____.

Name
Print Name: _____
Title: _____

[Insert legal name of ECUD or district as applicable]

All plats shall contain the following note should a Water District exist:

All water wells described in this plat or to be constructed, used, and operated in the subdivision described in this plat shall be in compliance with the active regulations of the _____ [insert name of said Water District].

(K) Note Regarding Development Component Exceeding Minimum Requirements.

All plats shall contain the following note:

Should any component of the development plan for the subject property exceed the minimum requirements of an applicable federal, state, county, and/or other law or regulation, the owner, developer, and/or subdivider hereby certifies and confirms that said component has been included in the plan with the full knowledge, consent, and approval of said owner, developer, and/or subdivider in the interest of the health, safety, and welfare of the public.

(L) Notes Regarding Limitations on County Construction/Maintenance Obligations.

All plats shall contain the following notes:

(Relating to any public dedication on 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 Ector County Commissioners Court, Ector County expressly does not accept for construction, operation, or maintenance purposes said dedicated property. Upon plat approval by said Commissioners Court, the construction, operation, and maintenance of said dedicated property shall remain the responsibility of its owner (and not Ector County, Texas) in compliance with the active Subdivision and Manufactured Home Rental Community Regulations for Ector County, Texas – unless and until, if ever, said dedicated property is formally accepted for construction, operation, or maintenance by said Commissioners Court by a separate order of acceptance thereafter approved by said Court and resulting from a recorded vote at a public meeting.

(Relating to any private land or improvements on plat)

Ector County, Texas expressly does not accept for construction, operation, 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 Ector County Commissioners Court, any such private property shall be owned by and remain the responsibility its owner, in compliance with the active Subdivision and Manufactured Home Rental Community Regulations for Ector County, Texas.

(M) Purchase Contract Disclosure Statement.

All plats shall contain the following note:

Pursuant to § 232.003 of the Texas Local Government Code and other authority, each purchase contract made between a Developer/Subdivider and a purchaser of land in this subdivision shall contain a statement describing the extent to which water will be made available to the subdivision -- and, if it will be made available, how and when water will be made available to the subdivision.

(N) **SPECIAL NOTICE TO DEVELOPERS REGARDING OTHER REQUIRED CERTIFICATIONS AND NOTES.**

Developers are hereby advised that other required certifications and notes for inclusion in submitted subdivision plats and MHRC development plans (based upon certain development circumstances and issues) are described in the active Regulations, to which reference is made for all purposes.

Please refer to the Regulations for those other required certifications and notes because the failure to include a required certification or note on a submitted subdivision plat or Manufactured Home Rental Community infrastructure development plan can result in the plat or plan being disapproved. Should questions occur regarding proper subdivision platting, MHRC infrastructure development plan procedure, or documents for submission to the County, please contact the County's Director of Planning and Development at his business office address and telephone number described in § 1.3 of the Regulations.

APPENDIX/SAATS MANUAL: EXHIBIT E

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 typical non-acceptance policy stated in the Regulations) that a road, street, bridge, culvert or other drainage facility, 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 is authorized by these Regulations; and (ii) the bond or security must be approved by the Commissioners Court to predicate plat approval.
- (b) Approval. The bond or other financial 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 other 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) until said facility or infrastructure are accepted, if ever, by the Commissioners Court by a subsequent, separate acceptance order being enacted and approved by the Commissioners Court.

2. Bond Requirements

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

- (b) **Bond Surety Requirements.** The bond surety shall be a corporate or other business entity surety, as may be approved by the Commissioners Court. The County's criteria for surety acceptability includes the following: (i) the surety must be registered with the Texas Secretary of State and be authorized to do business in Texas; (ii) the surety must have authority to issue bonds in the amount required by the Commissioners Court; and (iii) the surety must have a rating of at least B from Best's Key Rating Guide -- or if the surety company does not have any such rating due to the length of time it has been a surety company, the surety must demonstrate eligibility to participate in the surety bond guarantee program of the Small Business Administration of the United States government and must be an approved surety company listed in the current United States Department of Treasury Circular 570. Such bonds shall meet the criteria contained in the rules and regulations promulgated by the United States Department of Treasury.
- (c) **Bond Amount.** The bond must be in an amount determined by the Commissioners Court to be adequate to ensure proper construction of the aforesaid dedicated facility or infrastructure requirements for the subdivision but must not 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 one year from the date of plat approval.

3. Other Financial Security Requirements

- (a) **Security Types.** In lieu of a bond, the Developer may deposit another good and sufficient financial 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 security deemed acceptable by the Commissioners Court pursuant to the standards and terms herein required for a surety bond or LOC.
- (b) **Conditions.** The financial 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 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 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 one year from the date of plat approval.
- (c) Letter of Credit. If an LOC is used for the financial 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 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 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 one year from the date of plat approval.

APPENDIX/SAATS MANUAL: EXHIBIT F

DRAINAGE STANDARDS

- (1) Pursuant to Sections 232.003, 232.101, 232.107, and 232.108 of the Texas Local Government Code, these drainage standards also shall apply for all subdivisions located in the unincorporated area of Ector County, Texas.
- (2) These standards are designed to: (a) provide adequate drainage for each street or road in a subdivision in accordance with standard engineering practices; (b) provide drainage to the subdivision in order to efficiently manage the flow of storm water runoff in the subdivision; and (c) coordinate subdivision drainage with the general storm drainage pattern for the area in accordance with standard engineering practices.
- (3) Lots, private streets and roadways, and private property shall be graded so that surface drainage shall be taken to streets or drainage courses as directly as possible. Storm water or drainage water from roads and streets shall be taken to defined drainage courses as directly as possible. Furthermore, the Developer must comply with the drainage requirements described in the **Appendix/SAATS Manual/Exhibit G** regarding road standards.
- (4) The maximum grade of all streets and roads shall be 5.0% unless otherwise approved by the Commissioner's Court. The minimum grade of streets and roads shall be 0.2% unless otherwise approved by the Commissioner's Court.
- (5) All streets without curbs and gutters shall have drainage ditches adjacent to and running parallel to said streets or roads. Said drainage ditches shall have a minimum depth of 6-12 inches below the level of the edge of the adjacent street or road.
- (6) Permanent drainage structures, including but not limited to culverts, pipes, drainage boxes, and bridges shall be installed at all crossings of drainage courses, including drainage ditches intersecting with driveways, roads, and streets. The final exact dimension and type of said permanent drainage structures shall be determined and established for each subdivision by the engineer of record for the plat and presented to the Commissioner's Court for its review with the preliminary plat.
- (7) All roadways subject to flooding and high water, and all roadways crossing streams or other watercourses must have reinforced embankments to prevent erosion of said embankments. The reinforcing material must be concrete, which shall at minimum have tensile test strength at 7 days of 3,000 pounds per square inch.
- (8) Permanent obstacles, such as concrete or rock retards, shall be installed on the sloping sides of the drainage ditches and drainage courses to prevent erosion, where specifically designated by the Commissioner's Court upon its review of the preliminary plat.
- (9) Open drainage channels and ditches shall be constructed with a proper cross-slope grade

and an alignment which will facilitate proper functioning without destructive velocities of drainage waters.

- (10) All drainage easements must be of an adequate width, as determined by the Commissioner's Court in its review of the preliminary plat (if any), or final plat, to permit drainage and flood control for all land upon which natural drainage runs through the property being considered for development.
- (11) The exact location, dimensions, descriptions and flow line of existing drainage structures and drainage structures proposed to be installed by the owner, and the location, flow line, and flood plain of existing water courses within the subdivision must be shown on all plats.
- (12) All plats that have any part of the plat within a flood zone as designated by the FEMA flood zone maps of Ector County must have a finished floor elevation established that is a minimum of one foot above the base flood elevation. Flood zones must be located and shown clearly on the subdivision plat when presented to the Commissioner's Court.

APPENDIX/SAATS MANUAL: EXHIBIT G

ROAD STANDARDS

- (1) Pursuant to Sections 232.003, 232.0031, 232.101, 232.102, and 232.107 of the Texas Local Government Code, these road standards also shall apply for all subdivisions located in the unincorporated area of Ector County, Texas.
- (2) These standards are: (a) designed to provide adequate drainage for each street or road in a subdivision in accordance with standard engineering practices; and (b) based on the amount and kind of travel over each street or road in a subdivision, designed to provide reasonable specifications relating to the construction of each street or road in accordance with standard engineering practices.
- (3) All public and private streets or roads dedicated to the public in a subdivision shall be paved according to the requirements described in these standards.
- (4) All Streets/Roads -- All public/private streets or roads must have a right of way of 60 feet in width. The actual street cut must be 30 feet in width with two (2) 12-foot lanes and two (2) 3-foot shoulders.
- (5) Please note the following:
 - All Local Roads must have a 60 foot ROW;
 - All Major Collector Roads shall have a 100 foot ROW;
 - All Minor Arterial Roads shall have a 120 foot ROW; and
 - All Major Arterial Roads or Principal Arterial Roads shall have a 150 foot ROW;
- (6) Major Thoroughfare Plan -- The required right of way on a street or road that functions as a major thoroughfare may have a width of not more than 120 feet; however, the required right of way on a street or road that functions as a major thoroughfare may be more than 120 feet in width -- if the proposed right of way width is consistent with a transportation plan adopted by the metropolitan planning organization of the region.
- (7) The actual street cut for alley streets must be 20 feet in width.
- (8) The designation of a street or road as a main artery street or road, or major thoroughfare street or road, shall be made by the Commissioner's Court in its review of the preliminary plat.
- (9) All permanent dead-end streets (cul-de-sacs) or roads shall have a turnaround with a right of way diameter of 100 feet. The maximum length for dead-end streets shall be 600 feet.

- (10) Streets or roads should be designated and constructed so as to intersect with each other at 90-degree angles. Where compliance with this regulation is impossible due to terrain, the subdivider may seek a variance under these regulations. If a variance is granted, the portion of the intersection on the side of the acute angle must be cut back so as to eliminate the point of the acute angle. The intersection must be cut back a minimum of 20 feet away from the point where the streets would have otherwise intersected. The county shall specify the exact size of the cut-back, up to a maximum of 50 feet in its review of the preliminary plat.
- (11) No street or road shall be constructed with an abrupt off-set or "jog" in it.
- (12) Where streets in an adjoining subdivision end at the property line of a new subdivision, streets and roads in the new subdivisions shall be constructed so as to be a continuation and extension of said existing streets in said adjoining subdivisions. All streets and roads shall be designed and constructed so as to permit the continuation or extension of said streets and roads in other subdivisions in the future.
- (13) Upon completion of construction of each street, road and alley, all trees, brush, rocks, and other material created by said constructions must be removed and delivered to an authorized refuse and/or fill site in accordance with state or other law.
- (14) All roads must be constructed with a subgrade base. The subgrade base material shall be approved by the Commissioner's Court. The sub-grade base shall be watered, rolled and bladed to a depth of 6 inches before any flexible base material is placed on it.
- (15) Regarding the construction and placement of flexible base roads, all materials, construction standards, and procedures used for said roads shall conform to the requirements of the most current road construction publication of the Texas Department of Transportation or Texas Highway Department; however, said materials, standards, and procedures must be approved by the Commissioner's Court. Should a conflict exist between a provision in the aforementioned state government publication and these regulations, these regulations shall control. The flexible base on a road or street shall have a minimum thickness of 6 inches or more after compaction of the authorized base material. The following standards must be followed (regarding flexible caliche base):
 - (a) Compacted caliche shall be constructed over the subgrade and shall be shaped to conform to the section indicated on the attached Figure 1.
 - (b) After placement, the caliche shall be rolled with a sheepsfoot or grid roller or other suitable equipment to break up all large rocks.
 - (c) Rolling shall continue until a uniform caliche surface is obtained, free of any large rocks. Any rocks exceeding 3 inches in size following the blading operation shall be removed.
 - (d) Following rolling the entire caliche area shall be bladed and graded to provide lateral drainage.

- (e) The finished caliche base shall be compacted to ordinary compaction subject to proof rolling with a 10-ton roller.
- (15) Regarding the construction and placement of paved roads, all materials, construction standards, and procedures used for said roads shall conform to the requirements of the most current road construction publication of the Texas Department of Transportation or Texas Highway Department; however, said materials, standards, and procedures must be approved by the Commissioner's Court. Should a conflict exist between a provision in the aforementioned state government publication and these regulations, these regulations shall control. Minimum paved roads shall be constructed to conform to the section indicated on the attached Figure 2 and in accordance with the following specifications for either "Double Penetration Surface" or "Hot Mix Asphaltic Concrete Surface:"
- Double Penetration Surface
 - (a) A bituminous prime coat shall be applied to the finished caliche base. The prime coat shall meet the requirements for cutback asphalt Grade MC-1 or EA-10S, Texas Highway Department (TOH) Item 300.
 - (b) The first surface course shall consist of THD Asphalt No. AC-5 applied at the rate of 0.20 to 0.35 gallons per square yard of surface, followed immediately with the application of THD Grade 3 aggregate at the rate of 1.0 cubic yard per 90 to 110 square yards of surface.
 - (c) The second surface course shall consist of THD Asphalt No. AC-5 applied at the rate of 0.25 gallons per square yard of surface, followed immediately with the application of THD Grade 5 aggregate at the rate of 1.0 cubic yard per 120 square yards of surface.
 - (d) Each course shall be rolled with a pneumatic roller followed with a 10-ton flat-wheeled roller until the aggregates have been thoroughly spread and embedded in each course of asphalt and aggregate.
 - Hot Mix Asphaltic Concrete Surface
 - (a) A bituminous prime coat shall be applied to the finished caliche base. The prime coat shall meet the requirements for cutback asphalt Grade MC-1 or EA-10S, THD Item 300.
 - (b) Hot Mix Asphaltic Concrete shall be applied to a finished depth of at least 1.0 inch over the area to be paved.
 - (c) The Hot Mix Asphaltic Concrete shall meet the requirements of Type "D" fine graded surface course, THD Item 340 with the following exception:
(i) Percent Density -- Min 94 Max 99 Optimum 97; (ii) Percent Stability -- Not less than 45-minimum
 - (d) Mixing plants, asphaltic material heaters, dryers, lay down machines, rollers, etc., shall meet the requirements of THD Item 340.

- (e) The stockpiling, storage, proportioning and mixing of materials in the production of hot mix asphaltic concrete shall meet the requirements of THD Item 340.
- (16) The centerline of each street shall have an elevation of at least 4 inches above the elevation of the edge of the street.
- (17) The Commissioner's Court may specify that construction of all roads and drainage structures must be completed within a reasonable time after the plat and plans of a subdivision have received final approval, and that period may be specified by the Commissioner's Court in its review of the preliminary plat.
- (18) All drainage standards adopted by these rules which relate to or affect streets and roads are incorporated by reference.
- (19) Furthermore, the Developer must comply with the road drainage standards and requirements described in the **Appendix/SAATS Manual/Exhibit F**.

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COMMERCIAL ROADS TYPICAL PAVEMENT SECTION

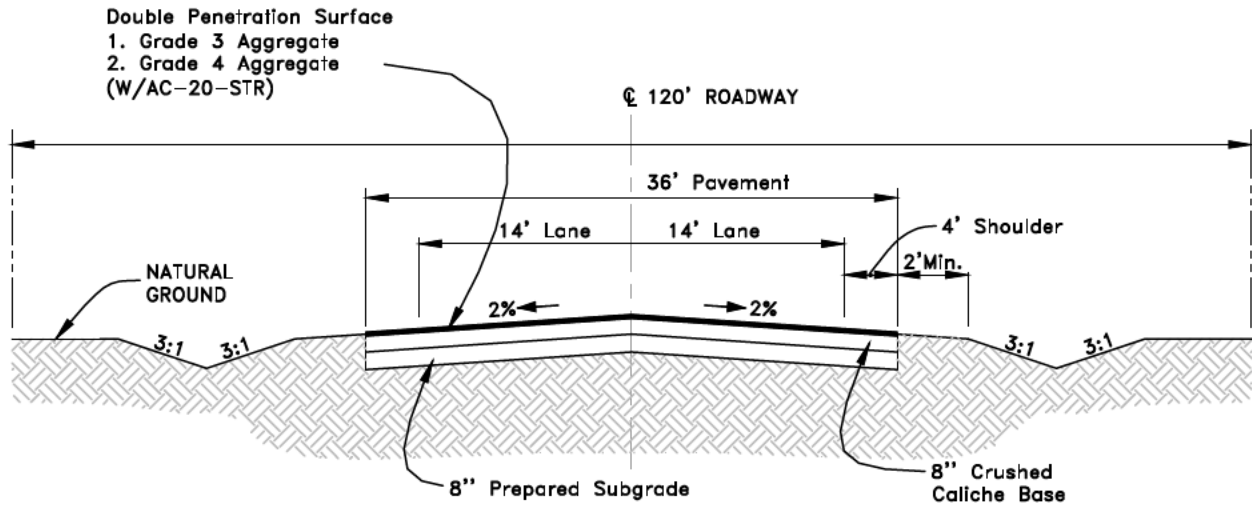


Figure 1. – Typical section for Double Penetration Surface.
Not To Scale:

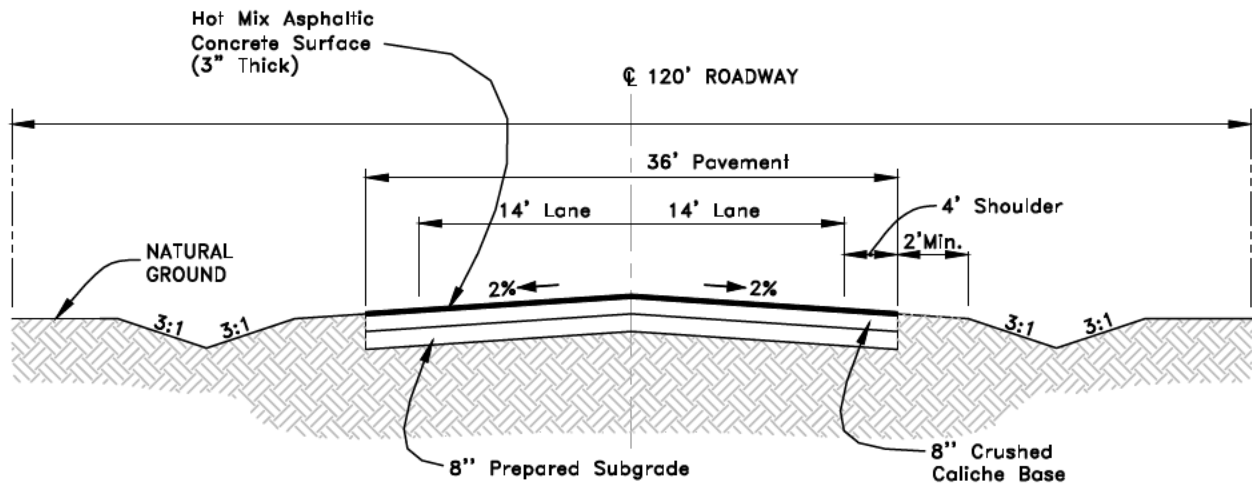


Figure 2. – Typical section for Hot Mix Asphaltic Concrete Surface.
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RESIDENTIAL AND SUBDIVISION TYPICAL PAVEMENT SECTION

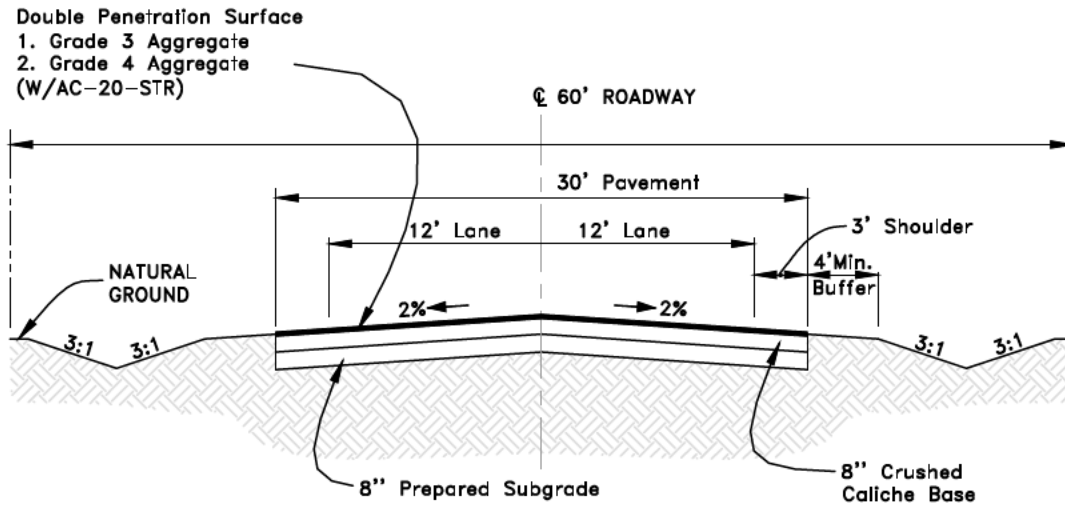


Figure 1. – Typical section for Double Penetration Surface.
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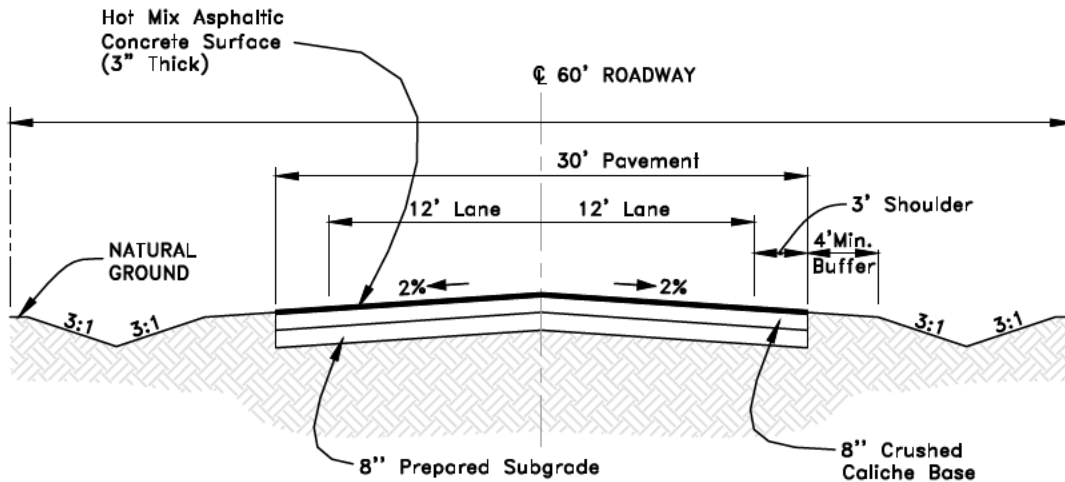


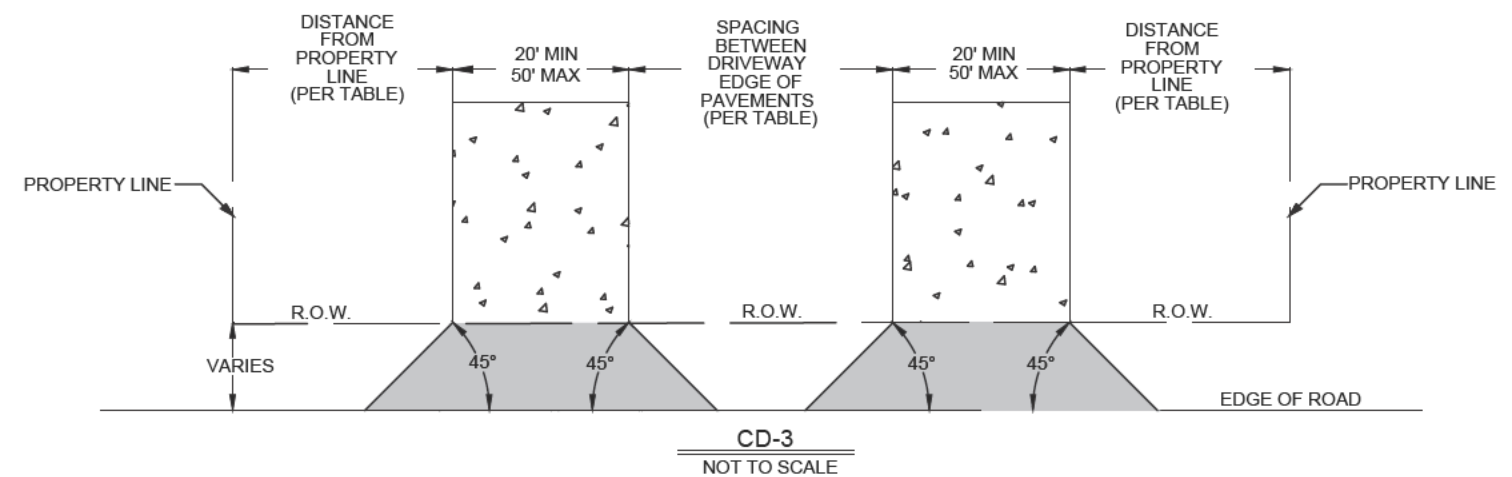
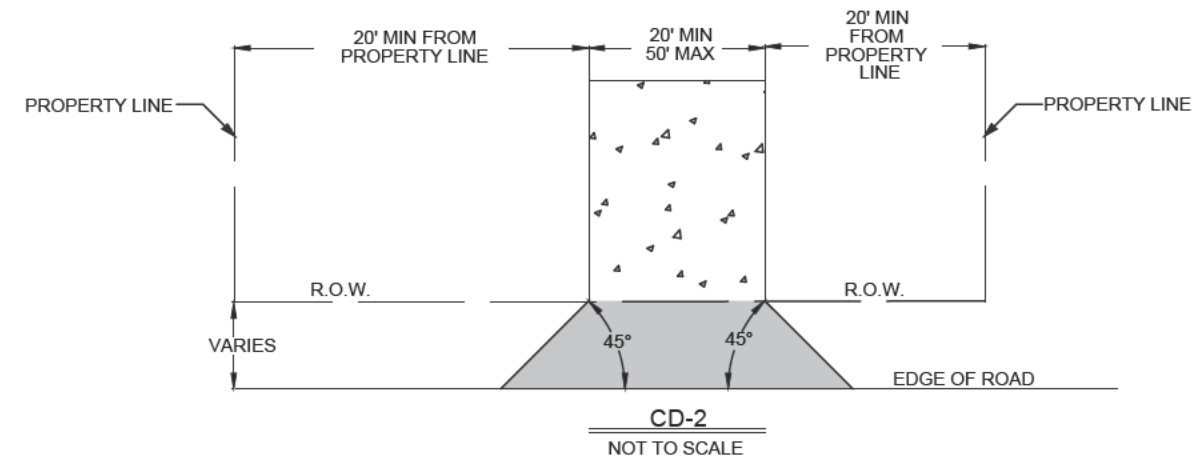
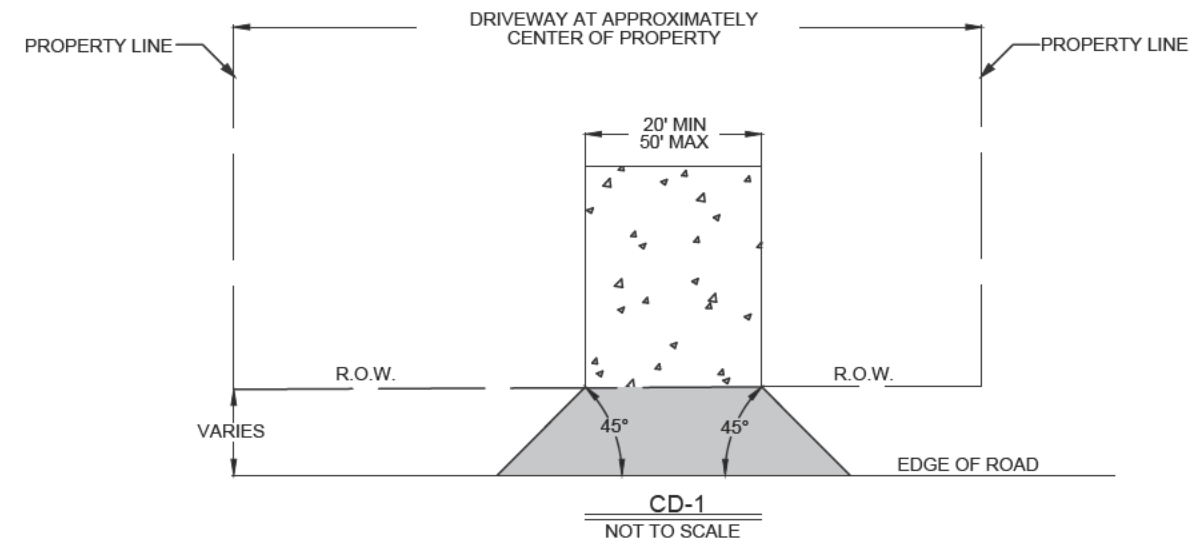
Figure 2. – Typical section for Hot Mix Asphaltic Concrete Surface.
 Not To Scale:



NOTES:

1. COMMERCIAL DRIVEWAYS SHALL HAVE A MINIMUM THROAT WIDTH OF 20 FEET AND A MAXIMUM THROAT WIDTH OF 50 FOOT WITH 45-DEGREE FLARES AT THE MOUTH, AS SHOWN HEREIN.
2. ALL COMMERCIAL PROPERTIES ARE ALLOWED ONE DRIVEWAY CONNECTION. MULTIPLE DRIVEWAYS MAY BE PERMITTED IF APPROVED BY THE COUNTY AND MEET ALL REQUIREMENTS SHOWN HEREIN.
3. SPACING REQUIREMENTS SHALL BE AS FOLLOWS:

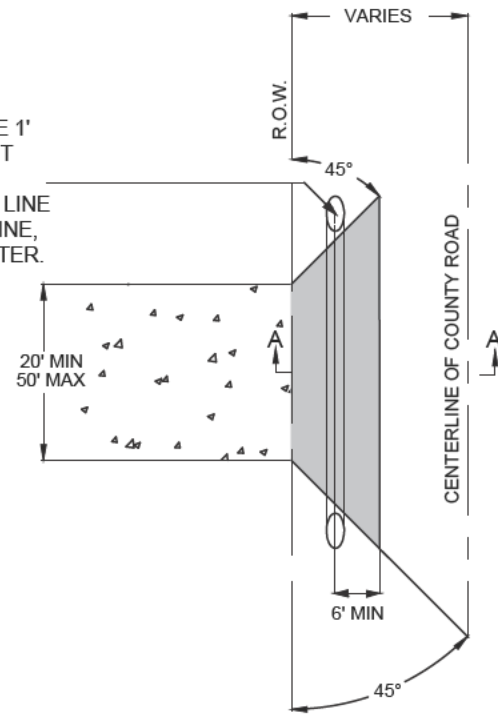
COMMERCIAL DRIVEWAY REQUIREMENTS			
POSTED SPEED LIMIT	LENGTH OF PROPERTY FRONTAGE ALONG COUNTY ROAD	NUMBER OF DRIVEWAYS	SPACING
<40 MPH	L < 60'	1 DRIVEWAY ALLOWED	ROUGHLY CENTERED ALONG FRONTAGE; CD-1
	60' < L ≤ 150'	1 DRIVEWAY ALLOWED	DRIVEWAY SHALL BE A MINIMUM OF 20' FROM THE PROPERTY LINE TO THE EDGE OF DRIVEWAY; CD-2
	L > 150'	MAY APPLY FOR MULTIPLE DRIVEWAYS	SPACING SHALL BE A MINIMUM OF 20' FROM THE PROPERTY LINE TO THE EDGE OF DRIVEWAY AND A MINIMUM OF 50' FROM EDGE OF DRIVEWAY TO EDGE OF DRIVEWAY; CD-3
≥ 40 MPH	L ≤ 325'	1 DRIVEWAY ALLOWED	ROUGHLY CENTERED ALONG FRONTAGE; CD-1
	L > 325'	MAY APPLY FOR MULTIPLE DRIVEWAYS	SPACING SHALL DE A MINIMUM OF 100' FROM THE PROPERTY LINE TO THE EDGE OF DRIVEWAY AND A MINIMUM OF 75' FROM EDGE OF DRIVEWAY TO EDGE OF DRIVEWAY CD-3



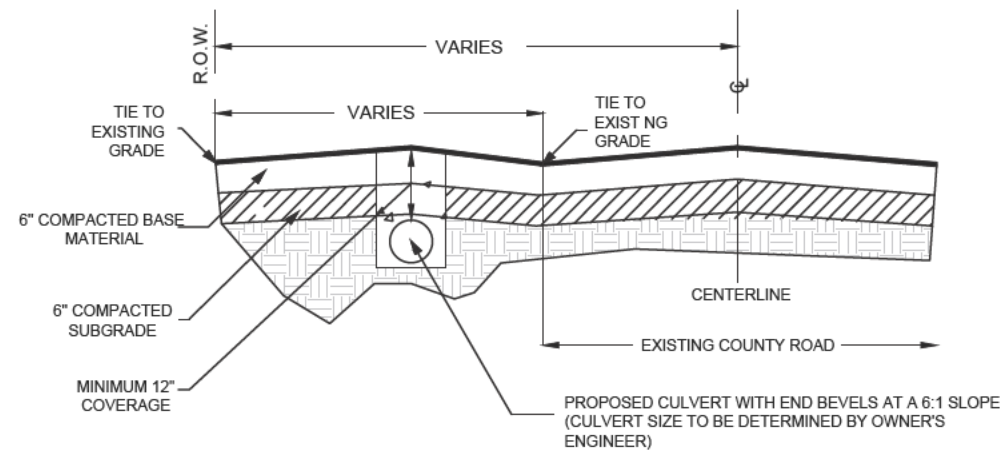
ECTOR COUNTY
PUBLIC WORKS
ENGINEERING SECTION

COMMERCIAL DRIVEWAY DETAIL
SHEET 1 OF 2
ECTOR COUNTY

FL OF CULVERT TO BE 1' MIN BELOW ADJACENT EDGE OF PAVEMENT ELEVATION OR FLOW LINE OF EXISTING DITCH LINE, WHICHEVER IS GREATER.



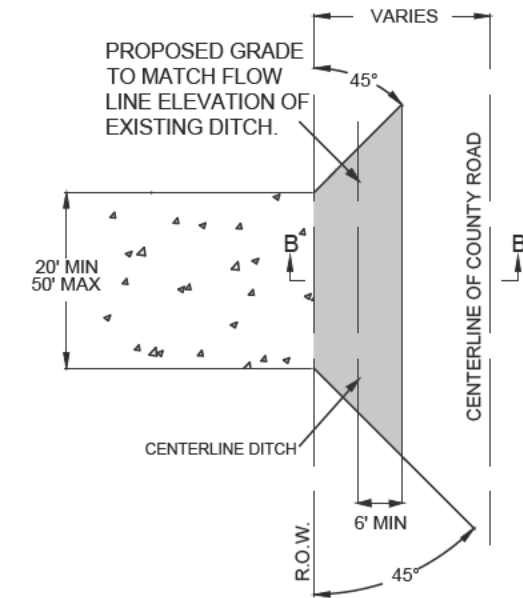
PLAN VIEW TYPICAL DRIVE WITH CULVERT
NOT TO SCALE



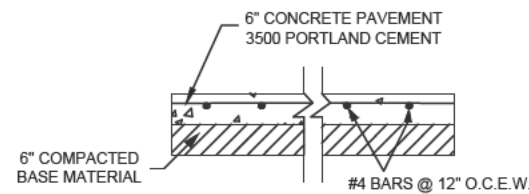
SECTION A-A TYPICAL DRIVE WITH CULVERT
NOT TO SCALE

NOTES:

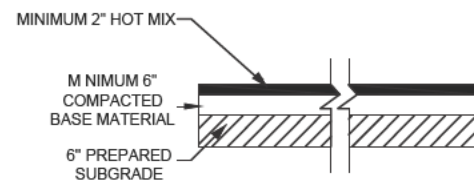
1. COMMERCIAL DRIVEWAYS SHALL HAVE A MINIMUM THROAT WIDTH OF 20' AND MAXIMUM THROAT WIDTH OF 50' WITH 45-DEGREE FLARES AT THE MOUTH, AS SHOWN HEREIN AND ON SHEET 1.
2. ALL DRIVEWAYS SHALL BE PAVED IN ASPHALT OR CONCRETE. AS SHOWN HEREIN AND SHALL BE THE RESPONSIBILITY OF THE OWNER TO MAINTAIN.
3. THE PROPERTY OWNER SHALL PROCURE THE SERVICES OF A LICENSED ENGINEER TO DESIGN COMMERCIAL/INDUSTRIAL DRIVEWAYS.
4. OWNER'S ENGINEER SHALL PRODUCE A TRAFFIC IMPACT ANALYSIS TO BE SUBMITTED WITH THE DRIVEWAY PERMIT.
5. MINIMUM CULVERT SIZE SHALL BE 12-INCH REINFORCED CONCRETE PIPE, HDPE, OR CORRUGATED METAL PIPE.
6. ALL DRIVEWAY APPLICATIONS PROPOSING IMPROVEMENTS THAT DO NOT CONFORM TO THE STANDARDS HEREIN MUST PROVIDE A REQUEST FOR VARIANCE, INCLUDING ENGINEERING JUSTIFICATION FOR THE NON-CONFORMITY.



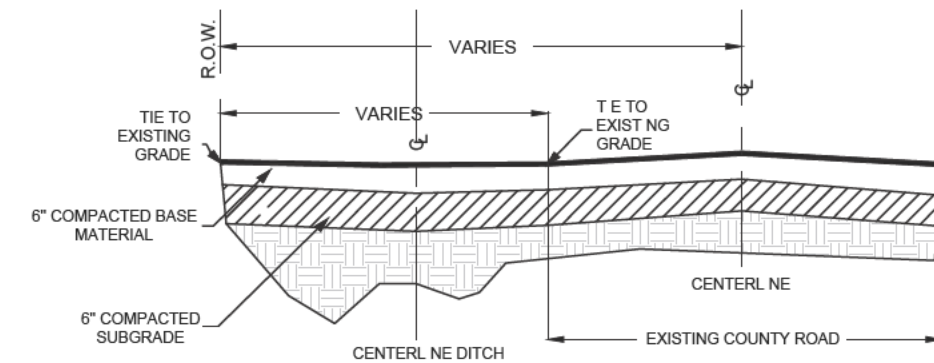
PLAN VIEW TYPICAL DRIVE WITH LOW WATER CROSSING
NOT TO SCALE



CROSS SECTION OF CONCRETE WITH REBAR
NOT TO SCALE



CROSS SECTION OF HOTMIX ASPHALTIC CONCRETE
NOT TO SCALE



SECTION B-B TYPICAL DRIVE WITH LOW WATER CROSSING
NOT TO SCALE



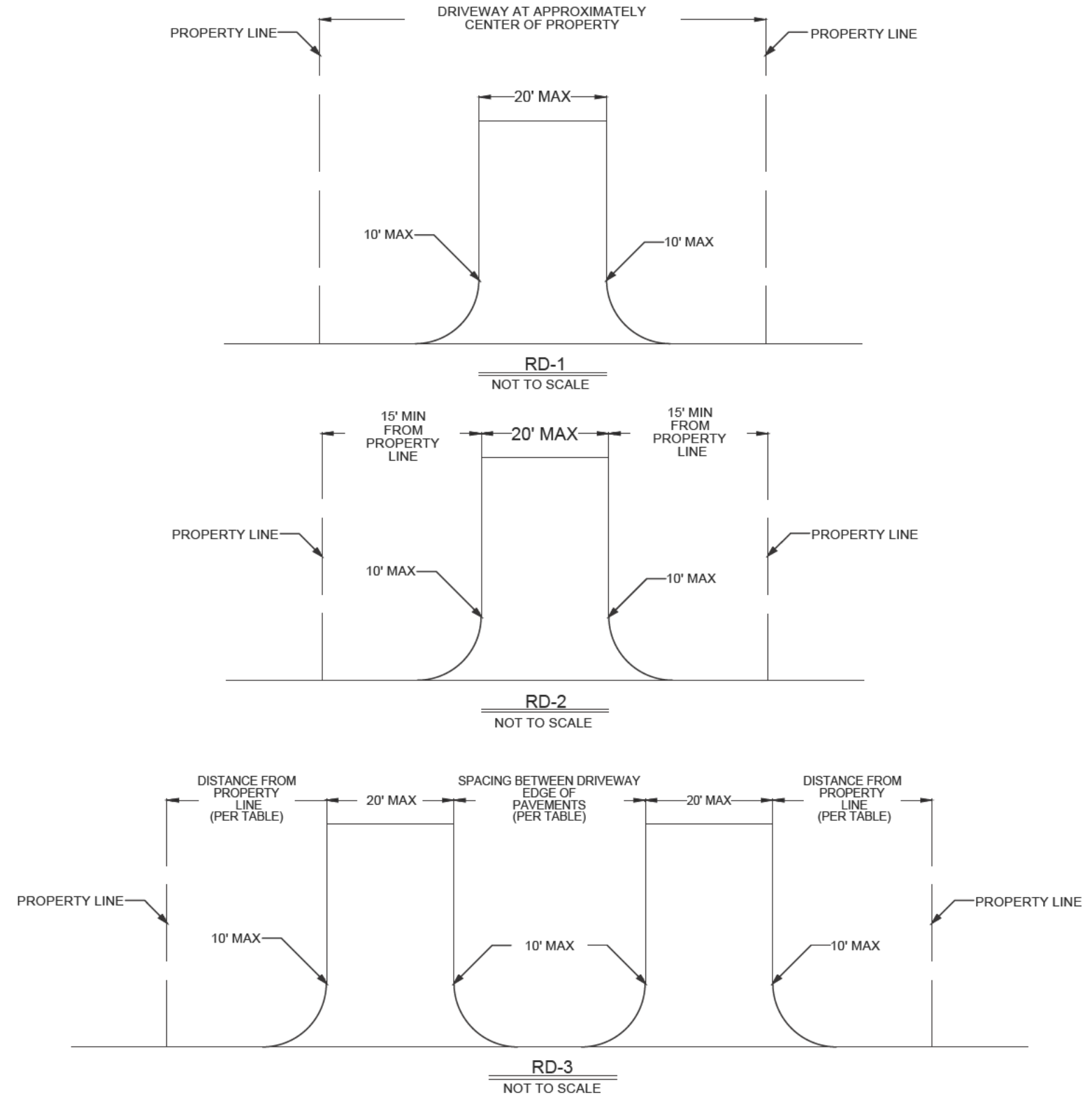
ECTOR COUNTY
PUBLIC WORKS
ENGINEERING SECTION

COMMERCIAL DRIVEWAY DETAIL
SHEET 2 OF 2
ECTOR COUNTY

NOTES:

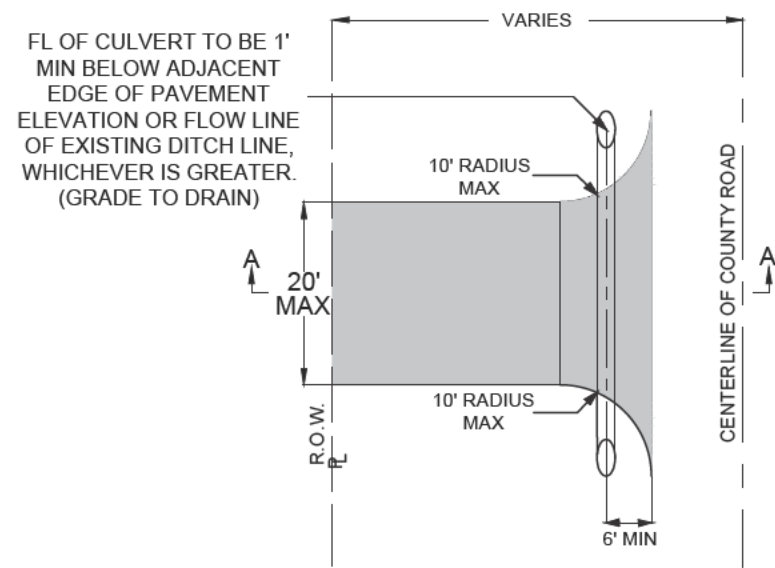
1. RESIDENTIAL DRIVEWAYS SHALL HAVE A MAXIMUM THROAT WITH OF 20 FEET WITH A MAXIMUM 10-FOOT RADIUS.
2. ALL RESIDENTIAL PROPERTIES ARE ALLOWED ONE DRIVEWAY CONNECTION. A MAXIMUM OF 2 DRIVEWAYS PER PARCEL MAY BE PERMITTED IF APPROVED BY THE COUNTY AND MEET ALL REQUIREMENTS SHOWN HEREIN.
3. SPACING REQUIREMENTS SHALL BE AS FOLLOWED

RESIDENTIAL DRIVEWAY REQUIREMENTS			
POSTED SPEED LIMIT	LENGTH OF PROPERTY FRONTAGE ALONG COUNTY ROAD	NUMBER OF DRIVEWAYS	SPACING
<40 MPH	L < 50'	1 DRIVEWAY ALLOWED	ROUGHLY CENTERED ALONG FRONTAGE; RD-1
	50' < L ≤ 100'	1 DRIVEWAY ALLOWED	DRIVEWAY SHALL BE A MINIMUM OF 15' FROM THE PROPERTY LINE TO THE EDGE OF DRIVEWAY; RD-2
	L > 100'	2 DRIVEWAYS MAXIMUM	SPACING SHALL BE A MINIMUM OF 15' FROM THE PROPERTY LINE TO THE EDGE OF DRIVEWAY AND A MINIMUM OF 30' FROM EDGE OF DRIVEWAY TO EDGE OF DRIVEWAY; RD-3
≥ 40 MPH	L ≤ 300'	1 DRIVEWAY ALLOWED	ROUGHLY CENTERED ALONG FRONTAGE; RD-1
	L > 300'	2 DRIVEWAYS MAXIMUM	SPACING SHALL DE A MINIMUM OF 100' FROM THE PROPERTY LINE TO THE EDGE OF DRIVEWAY AND A MINIMUM OF 50' FROM EDGE OF DRIVEWAY TO EDGE OF DRIVEWAY RD-3

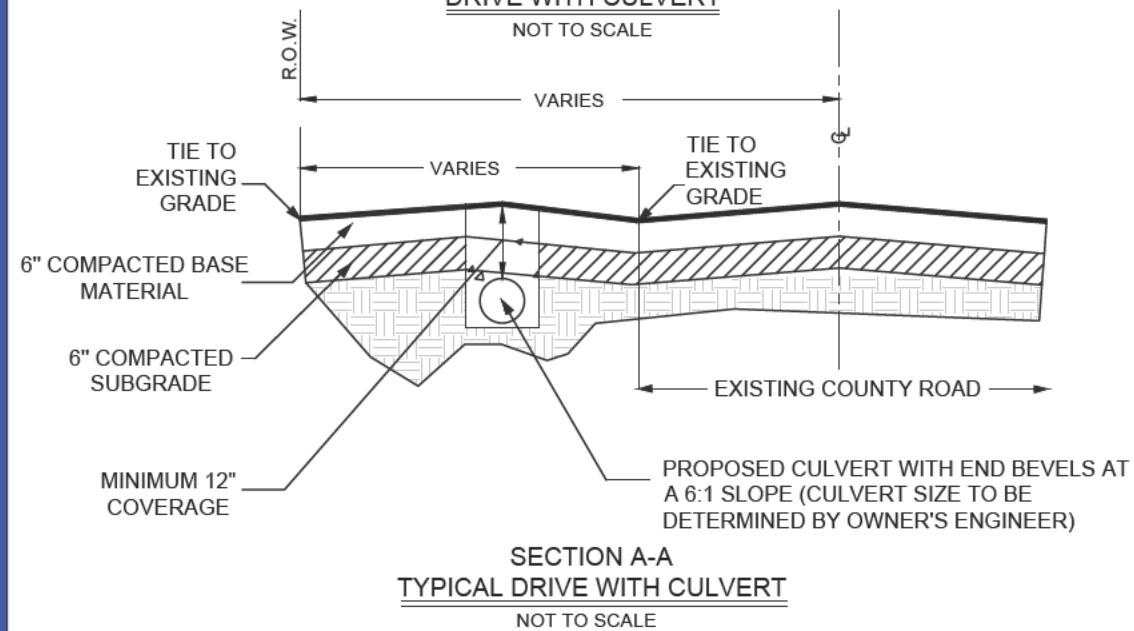


ECTOR COUNTY
PUBLIC WORKS
ENGINEERING SECTION

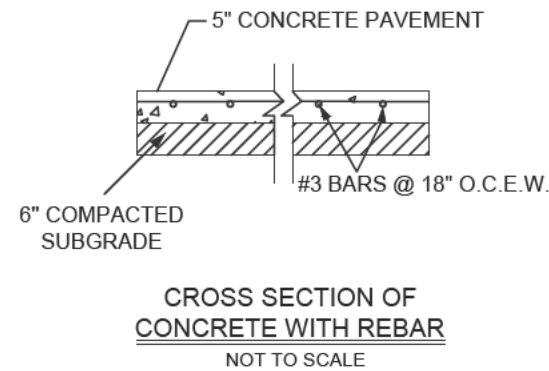
**RESIDENTIAL DRIVEWAY DETAIL
SHEET 1 OF 2
ECTOR COUNTY**



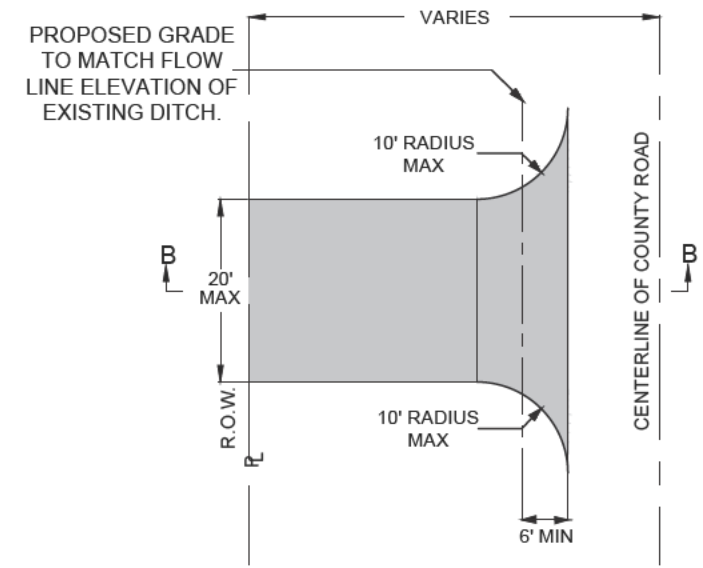
PLAN VIEW TYPICAL DRIVE WITH CULVERT
NOT TO SCALE



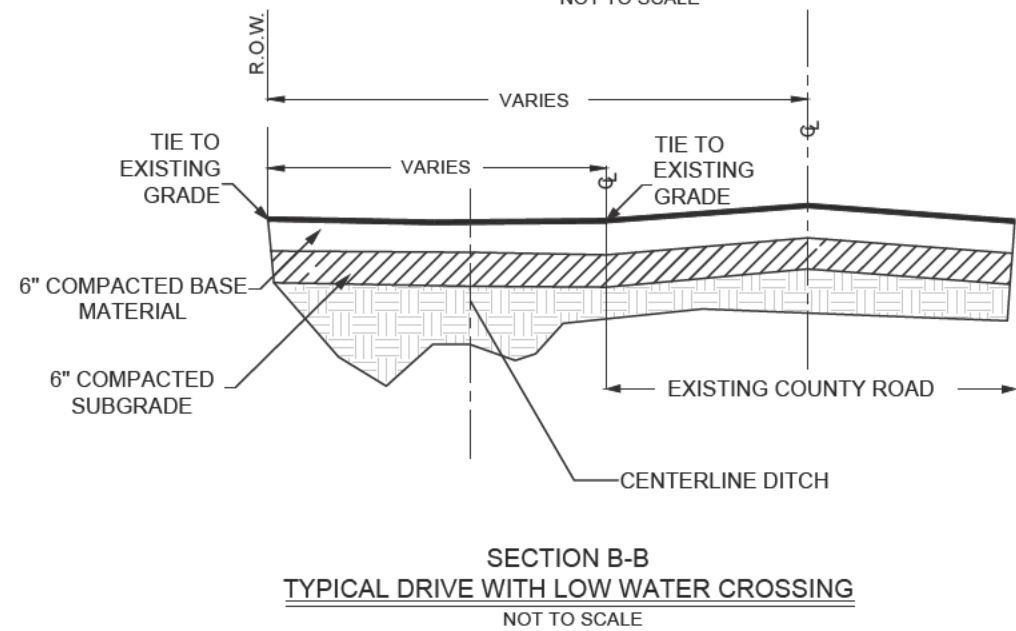
SECTION A-A
TYPICAL DRIVE WITH CULVERT
NOT TO SCALE



CROSS SECTION OF CONCRETE WITH REBAR
NOT TO SCALE



PLAN VIEW TYPICAL DRIVE WITH LOW WATER CROSSING
NOT TO SCALE



SECTION B-B
TYPICAL DRIVE WITH LOW WATER CROSSING
NOT TO SCALE

NOTES:

1. RESIDENTIAL DRIVEWAYS SHALL HAVE A MAXIMUM THROAT WIDTH OF 20' WITH A MAXIMUM 10' RADIUS, AS SHOWN HEREIN AND ON SHEET 1.
2. ALL DRIVEWAYS WITH A CULVERT SHALL BE PAVED IN ASPHALT AS SHOWN HEREIN AND SHALL BE THE RESPONSIBILITY OF THE OWNER TO MAINTAIN.
3. INVERTED DRIVEWAYS ARE NOT REQUIRED TO BE PAVED. DRIVEWAYS TO BE PAVED SHALL BE ASPHALT AS SHOWN HEREIN.
4. THE PROPERTY OWNER SHALL PROCURE THE SERVICES OF A LICENSED ENGINEER TO DESIGN DRIVEWAYS WITH CULVERTS FOR PROPER DRAINAGE CONVEYANCE AND IN CASE ANY PORTION OF THE PARCEL IS CLASSIFIED AS A SPECIAL FLOOD HAZARD AREA.
5. ALL DRIVEWAY APPLICATIONS PROPOSING IMPROVEMENTS THAT DO NOT CONFORM TO THE STANDARDS HEREIN MUST PROVIDE A REQUEST FOR VARIANCE, INCLUDING ENGINEERING JUSTIFICATION FOR THE NON- CONFORMITY.



ECTOR COUNTY
PUBLIC WORKS
ENGINEERING SECTION

RESIDENTIAL DRIVEWAY DETAIL
SHEET 2 OF 2
ECTOR COUNTY

[End of Exhibit G – Road Standards]

APPENDIX/SAATS MANUAL: EXHIBIT H

DEVELOPER ROAD DAMAGE AND REPAIR PROVISIONS

(1) **Definitions.** The special definitions of the above and foregoing Subdivision and Manufactured Home Rental Community Regulations of Ector County, Texas are incorporated by reference, and for purposes of this exhibit, “**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 Ector 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 Ector 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; 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 County's Director of Planning and Development (at his business office and telephone number as described in § 1.3 of these Regulations) 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 after the completion of the aforesaid Developer repairs to the Road System, the Developer shall provide the County's Director of Planning and Development 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 County's Director of Planning and Development 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.

APPENDIX/SAATS MANUAL: EXHIBIT I

UTILITY CONNECTION REQUIREMENTS

The utility connection requirements authorized by §§ 232.029, 232.101 and 232.106-.107 of the Texas Local Government Code (see also **Appendix/SAATS Manual/Exhibit J** for certificates of compliance) are adopted and approved for application and use in these Regulations, as hereafter described:

- (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, 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 receives a determination from the Commissioners Court under § 232.028(b)(1) of the Texas Local Government Code, 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, 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 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 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 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) [This subparagraph is intentionally left 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 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 that adequate sewer services have been installed to service the lot or dwelling.
- (p) Fees -- The Commissioners Court hereby imposes the following fee for a certificate of compliance 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 in the Fee Schedule (see **Appendix/SAATS Manual/Exhibit C**) attached to these Regulations.
- (q) County Contact Representative. The County’s contact representative regarding these

utility connection requirements, and the certificates of compliance (described in the **Appendix/SAATS Manual/Exhibit J** of these Regulations), is the County's Director of Planning and Development at his business office and telephone number described in § 1.3 of these Regulations.

- (r) Plat Disclosure Statement -- An approved subdivision plat shall contain the following statement regarding these utility connection requirements:

ECTOR COUNTY ("COUNTY"), BY AND THROUGH ITS GOVERNING BODY, THE COMMISSIONERS COURT OF ECTOR 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.

APPENDIX/SAATS MANUAL: EXHIBIT J

**CERTIFICATE OF COMPLIANCE FORMS FOR APPROVED
SUBDIVISION AND MHRC DEVELOPEMNTS**

Certificate of Compliance Regarding Approved Subdivision Development

To Whom It May Concern:

- (1) The following named subdivision development ("Subdivision") is located in the unincorporated area of Ector County, Texas: _____
_____.
- (2) On _____, 20____, the plat of the Subdivision was reviewed and approved by the Commissioners Court of Ector County, Texas as being in compliance with the active Subdivision and Manufactured Home Rental Community Regulations for Ector County, Texas. **[Note: A utility may not serve or connect any subdivided land with water or sewer service unless first this statement is completed for execution and this executed certificate (or a copy thereof) is presented to the utility].**
- (3) On _____, 20____, the plat of the approved Subdivision was recorded in the Office of the County Clerk of Ector County, Texas pursuant to the following recording information: _____.
- (4) Regarding Lots Nos. _____ in the Subdivision, on this date it has been determined that (a) adequate water service or private water wells, and (b) adequate sewer service or private septic/OSSF systems, have been installed and are fully operable to service said lots or the subdivision. **[Note: A utility may not serve or connect any subdivided land with electricity or gas service unless first this statement is completed for execution and this executed certificate (or a copy thereof) is presented to the utility].**

Executed on the ____ day of _____, 20____.

ECTOR COUNTY, TEXAS

By: _____
Printed Name: _____
Title: _____
Ector County, Texas

**Certificate of Compliance Regarding Approved MHRC Infrastructure
Development Plan and Completed MHRC Construction**

[Note: a utility may not provide utility services (including water, sewer, gas, and electricity services) to (1) an MHRC development subject to an infrastructure development plan, or (2) a manufactured home in the MHRC development (as defined by the active Subdivision and Manufactured Home Rental Community Regulations for Ector County, Texas), unless first this certificate is completed for execution and this executed certificate (or a copy thereof) is presented to the utility].

To Whom It May Concern:

- (1) The following named Manufactured Home Rental Community development (“MHRC”) is located in the unincorporated area of Ector County, Texas:
_____.
- (2) The infrastructure development plan submitted to Ector County, Texas regarding the named MHRC development has been approved as being compliant with the active Subdivision and Manufactured Home Rental Community Regulations for Ector County, Texas.
- (3) On _____, 20____, the approved infrastructure development plan of the named MHRC development was recorded in the Office of the County Clerk of Ector County pursuant to the following recording information: _____.
- (4) Construction of the named MHRC development has been completed and the development project has been reviewed by the Designee of the Commissioners Court of Ector County, Texas. The named MHRC development is hereby approved as having been designed and constructed in compliance with the: (a) active Subdivision and Manufactured Home Rental Community Regulations for Ector County, Texas; and (b) the aforesaid and approved infrastructure development plan regarding the named MHRC development.

Executed on the ____ day of _____, 20____.

ECTOR COUNTY, TEXAS

BY: _____

Printed Name: _____

Title: _____

Ector County, Texas