

Young County, Texas



Minimum Infrastructure Standards for Manufactured Home Rental Communities

Adopted August 14, 2006

Young County's Minimum Infrastructure Standards for Manufactured Home Rental Communities

The Young County Commissioners Court finds that Minimum Infrastructure Standards for Manufactured Home Rental Communities are necessary to promote public health and safety, to provide adequate emergency access, to provide for orderly growth within Young County, and to ensure that the ultimate residents in manufactured home rental communities have adequate access, proper utilities and other health and safety assurances. In order to promote the foregoing goals, the Commissioners Court has entered this Court Order.

For the purposes of this Court Order certain terms or words herein shall be interpreted or defined as follows:

Words used in the present tense include the future tense;

The singular includes the plural;

The word "person" includes a corporation as well as an individual;

The term "shall" is always mandatory.

The term "may" is permissive.

Words and terms not expressly defined herein are to be construed according to the normally accepted meaning of such words or terms or, where no definition appears, then according to their customary usage in the practice of municipal planning and engineering.

"Manufactured Home" means any manufactured home or mobile home manufactured to the code or specifications of the federal Department of Housing and Urban Development, and/or any residence as defined by Section 3 of the Texas Manufactured Housing Standards Act (Article 5221f, Texas Civil Statutes); used collectively, the term "Manufactured Home" refers to both manufactured homes and mobile homes.

"Manufactured Home Community" means a plot or a tract of land that is separated into two or more spaces or lots that are rented, leased, sold or offered for rental, lease or for sale for the installation of Manufactured Homes for use and occupancy as residences. As used in this Court Order, this term shall include Manufactured Home Subdivisions and Manufactured Home Rental Communities, as defined below. A single Manufactured Home Community may be both a Manufactured Home Subdivision and a Manufactured Home Rental Community if multiple lots will be both sold and leased, in which event the community must comply with both this Court Order and Young County's Subdivision Rules and Regulations.

"Manufactured Home Subdivision" means a Manufactured Home Community in which two or more of the spaces or lots are to be sold or offered for sale. Unless exempted by some provision of state law, Manufactured Home Subdivisions are "subdivisions" within the meaning of Young County's Subdivision Rules and Regulations and related regulations. Such related regulations include (but are not limited

to) the Young County Flood Plain Regulations and the Young County On-Site Sewage Disposal Regulations. Manufactured Home Subdivisions must comply with all such regulations on the same basis as subdivisions that do not include Manufactured Homes.

"Manufactured Home Rental Community" shall mean a plot or tract of land that is separated into two or more spaces or lots that are rented, leased, or offered for rent or lease, for a term of less than sixty (60) months without a purchase option, for the installation of Manufactured Homes for use and occupancy as residences, as defined in Section 232.007 of the Texas Local Government Code.

"Owner" shall mean the Owner of a proposed Manufactured Home Rental Community or the Owner's designated representative.

"Sale" shall be construed to include any and all transactions in which legal, beneficial, or equitable ownership of the space or lot is transferred to another. It is immaterial whether such transfer occurs by deed, contract of sale, option contract, lease-purchase, long term ground lease, or any other method. Without limitation to the foregoing, "sale" includes both (1) any rental or lease agreement for a term of 60 months or more and (2) any rental or lease agreement with a purchase option.

I. Procedures

On or after the effective date of this Court Order, all Owners of land who intend to use the land for a Manufactured Home Rental Community (except those set out in Part III below) must have an Infrastructure Development Plan prepared that complies with the minimum infrastructure standards set out in this Court Order.

A. Plan to be Submitted — A Manufactured Home Rental Community Infrastructure Development Plan shall be submitted by filing an application with the Young County Clerk ten (10) days prior to the meeting of the Commissioners Court at which the applicant desires the application to be considered, together with 6 copies of the proposed Infrastructure Development Plan. One copy of the application shall also be submitted to the Young County Judge at the time of filing. The application filed with the Young County Clerk shall be accompanied by a \$100.00 fee plus an additional fee of \$20.00 per proposed lot plus any and all additional filing fees which the County Clerk may legally charge for filing the application and plan.

1. The infrastructure development plan shall include a plat which identifies the proposed Manufactured Home Rental Community's boundaries, proposed utility locations, proposed locations of Manufactured Home Rental Community spaces, roads and streets, and dedications of right-of-way.
2. The plat shall be prepared substantially in accordance with the Final Plat Requirements of Young County as set out in the most recently adopted Subdivision Rules and Regulations of Young County, Texas.
3. The infrastructure development plan shall also include a written narrative which provides an explanation as to how the Owner proposes to satisfy the

various requirements of the infrastructure development plan, and restrictions, covenants, and/or homeowner association requirements.

- B. Designated County Official** — Young County designates the duly elected Commissioner of the precinct where the Manufactured Home Rental Community is to be located as the county official responsible for reviewing the proposed plan before submission to the Commissioners Court. During review of the plan, the Designated County Official shall consult with the Young County Attorney, the Young County 911 Coordinator and any other persons needed to complete the review.
- C. Time Limits for Approval** — Not later than the sixtieth (60th) day after the date the Owner of a proposed Manufactured Home Rental Community submits an infrastructure development plan, the plan shall be approved or rejected by the Commissioners Court. The Commissioners Court shall notify the applicant of its determination in writing. If the plan is rejected, the Commissioners Court shall specify the reasons for the rejection in its written determination.
- D. Approval** — Failure to reject the Infrastructure Development Plan by the Commissioners Court within sixty (60) days of the submission of the application constitutes approval of the plan.
- E. Construction Prohibited without Approved Plan** — Construction of a proposed Manufactured Home Rental Community may not begin before the Commissioners Court approves the proposed Manufactured Home Rental Community Infrastructure Development Plan.
- F. Final Inspection** — A final inspection of the Manufactured Home Rental Community's infrastructure upon its completion is required. The Designated County Official and one other member of the Young County Commissioners Court, together with any other agents of Young County which they deem necessary, shall be charged with making the final inspection. Final inspection shall be made prior to Commissioners Court approval and issuance of a Certificate of Compliance. The final inspection shall be not later than the second (2nd) business day after the Designated County Official receives written certification from the Owner that the construction of the infrastructure is complete.
- G. Certificate of Compliance by Commissioners Court** — If the Designated County Official and the other member of the Young County Commissioners Court determine that the infrastructure complies with the Manufactured Home Rental Communities' Infrastructure Development Plan, they shall sign and issue a Certificate of Compliance not later than the fifth (5th) business day after the Designated County Official receives written certification from the Owner that the construction of the infrastructure is complete.
- H. Corrective Action if Construction Not Approved** — If the Designated County Official and the other member of the Young County Commissioners Court determine that the Manufactured Home Rental Communities' Infrastructure Development Plan has not been properly carried out or executed, then the Owner

shall be advised in writing and shall have thirty (30) days from the date of notification to make the required corrections or to perform the additional work required.

On completion of the corrective work, the Owner shall again follow the procedures set out in Section I, Procedure, F and G, of this Court Order, before the Owner is eligible to receive a Certificate of Compliance.

- I. **Utility Prohibited from Providing Services without Certificate of Compliance** — A utility service provider may not provide utility services, including water, sewer, gas and electric services, to a Manufactured Home Rental Community or to a Manufactured Home in the community unless the owner provides the utility with a copy of the Certificate of Compliance.

II. Minimum Standard for Plans

Young County adopts the following minimum standards for Manufactured Home Rental Community Infrastructure Development Plans. A Manufactured Home Community Infrastructure Development Plan shall not be approved unless it complies with the following standards:

A. Roads and Streets

1. *Standards to be Same as for Subdivisions* — The Commissioners Court of Young County finds that it is reasonably necessary that streets in Manufactured Home Communities should be built to the same standards (but to no more stringent standards) than the standards adopted by the Young County Commissioners Court for subdivisions in the Young County Subdivision Rules and Regulations.

2. *Subdivision Rules and Regulations Incorporated* — The road design and construction standards contained in the Young County Subdivision Rules and Regulations, as amended from time to time, are incorporated by reference into this Court Order as fully and completely as if set out verbatim herein. The street or road specifications in the Manufactured Home Rental Community Infrastructure Development Plan must comply with those standards to the maximum degree practicable.

B. Easements

1. *Utility Easements* — A minimum of ten (10) feet for utility easements is required across parts of the lots or spaces or along lot lines. The Owner of a Manufactured Home Rental Community shall coordinate with utility service providers to determine the locations and widths of required easements. Evidence of such coordination will be required as a condition of approval of the Manufactured Home Rental Community Infrastructure Development Plan and the issuance of a Certificate of Compliance. A Manufactured Home Rental Community Infrastructure Development Plan shall not be approved until the Owner has obtained a satisfactory agreement with utility service providers regarding utility easements. At

minimum, utility service companies, which must be consulted, include electric service, telephone service and any water or wastewater district or other water utility, which has jurisdiction.

2. *Other Recorded Easements* — All other prior existing recorded easements in a Manufactured Home Rental Community shall be clearly identified in the Infrastructure Development Plan.
3. *Existing County Roads* — A minimum of thirty (30) feet extending from the center of the road onto the said Manufactured Home Rental Community's property must be dedicated as public right-of-way if the same does not previously exist.

C. Drainage

A Manufactured Home Rental Community Infrastructure Development Plan shall not be approved which does not make adequate provision for storm water runoff. A drainage plan shall be prepared, in accordance with standard engineering practice, as part of the Manufactured Home Rental Community Infrastructure Development Plans. A Manufactured Home Rental Community Infrastructure Development Plan will not be allowed if it will result in an increase in the rate of flow of storm water which would thereby endanger downstream properties or the residents of the Manufactured Home Rental Community.

1. *Scope of Drainage Plan* — Drainage plans shall show the extent of all contributing watersheds that impact the Manufactured Home Rental Community. The Manufactured Home Rental Community engineer shall calculate the potential runoff based on a 100-year return frequency storm. Both peak flows and volumes of runoff must be calculated for all definable drainage courses.
2. *Design Storm Criteria* — Drainage structures, where required, shall be designed to accommodate the runoff from a ten year return frequency storm, and to pass a 100-year return frequency storm without damage.
3. *Drainage Structure Design* — Drainage structures shall be designed to minimize maintenance requirements. Paved swales or culverts may be required where surface water crosses a roadway or intersection. The permitted rates of flow of storm water within swales adjoining roadways shall not endanger the public, nor shall the velocity of runoff cause scouring or other similar destructive erosion of the swale surface.
4. *Effect on Downstream Properties* — The engineer for a Manufactured Home Rental Community shall study the effect of the storm water runoff from the Manufactured Home Rental Community on properties downstream of the Manufactured Home Rental Community. Where it is anticipated that the additional runoff incident to the development of the Manufactured Home Rental Community will overload an existing downstream drainage

facility, the Commissioners Court may withhold approval of the Manufactured Home Rental Community Infrastructure Development Plan until the applicant makes provisions to improve the off-site drainage facility. If downstream drainage facilities are not available or are incapable of accommodating the increase storm water runoff, the Commissioners Court may require storm retention basins to prevent an increase in storm water runoff.

5. *Areas of Poor Drainage* — A Manufactured Home Rental Community in an area which is subject to flooding may be approved by the Commissioners Court, provided that the Owner fills the affected area to an elevation sufficient to place the elevation of roads and finished floor elevation of manufactured housing to a minimum of twelve inches (12") above the elevation of the expected water surface following a 100 year return frequency flood event. The Commissioners Court may, when it deems it necessary for the health, safety, or welfare of the present and future population of the area, deny approval of a Manufactured Home Rental Community Infrastructure Development Plan, unless appropriate modifications are made to the proposed Manufactured Home Rental Community Infrastructure Development Plan to ensure that the Manufactured Homes placed in the community are adequately elevated above flood levels, as described in this paragraph.

6. *Low-lying lands along natural drainage course* — Low-lying lands along natural drainage courses subject to flooding or overflowing during storm periods, shall be reserved and retained in their natural state as drainage ways, and shall not be included as rental lots for Manufactured Homes in a Manufactured Home Rental Community Infrastructure Development Plan.

7. *Prohibition Against Removal of Soil Erosion and Flood Control Structures* — Where there are existing spreader dams, tanks, other soil erosion or flood control structures on property to be included in a Manufactured Home Rental Community Infrastructure Development Plan, and where removal of such structures would result in flooding or damage to downstream or adjacent property, or to the Manufactured Home Rental Community, the Infrastructure Development Plan shall provide that such structures shall not be removed or altered without other adequate provision having been made for mitigation of such potential flooding or damage. Determination of what constitutes adequate mitigation shall be made by the Commissioners Court.

D. Street Names and Signs.**1. Street Names and Numbers****Private Streets and Roads**

New private streets and roads in Manufactured Home Rental Communities shall be named so as to provide continuity of names with existing streets and so as to prevent conflict with identical or similar street and road names in other parts of Young County. Street names shall be reasonable and not similar to existing names of streets and roads in Young County. All street names shall be approved by the Young County Commissioners Court with the assistance of Young County's 911 Rural Addressing Department. Roads or streets which are a continuation of any existing road or street shall take the name of the existing road or street.

Public Streets and Roads

All road numbers for Public Streets and Roads shall be designated by Young County's 911 Rural Addressing Department and approved by the Commissioners Court.

2. *Street and Road Numbers/Names Required*— The Owner shall install street or road name signs at all intersections in the Manufactured Home Rental Community. The proper installation of these signs is a part of the required construction standards of Young County. Final approval of construction will not be given by the Young County Commissioners Court until all signs are installed.

3. *Street and Road Name /Numbered Signs* — Street and road name signs shall be of the same standard and quality as required in the most recently adopted Subdivision Rules and Regulations of Young County, Texas.

4. *Placement* — Street and road name signs assembly will be placed on a post and located two feet (2') behind the curb on curbed roadways, or six feet (6') to ten feet (10') beyond the edge of the pavement on non-curbed roadways. Signs should be placed as-near-as possible to the tangent point of the edge of the less important roadway with the radius of the curve at the intersection.

E. Mailboxes

1. Mailboxes shall be set a minimum of three feet (3') from the edge of the roadway driving surface or one foot (1') behind curbs. When placement of the mailbox outside the three foot (3') minimum is not possible, a mailbox of "breakaway design" should be used.
2. All mailboxes within Young County's right-of-way shall meet the current TXDOT standards.

3. Mailboxes in Subdivisions must meet Post Office requirements, and must be placed in a manner that does not interfere with the traffic's line of vision.

F. Water Systems and Waste Water Disposal

1. Water Systems

- a. Water systems in Manufactured Home Rental Communities shall comply with State law and State regulations as promulgated by Texas Commission on Environmental Quality or other applicable state law.
- b. *Transportation of Potable Water* — The conveyance of potable water by transport truck or other mobile device to supply the domestic needs of the Manufactured Home Rental Community is not an acceptable method for provision of water, except on an emergency basis. Absence of a water system meeting these standards due to the negligence of the Manufactured Home Rental Community Owner does not constitute an emergency.

2. Organized Sewage Facilities

- a. The Owner of a Manufactured Home Rental Community who proposes the development of an organized wastewater collection and treatment system must obtain a permit to dispose of wastes in accordance with the applicable provisions of the Texas Administrative Code and obtain approval of engineering planning materials for such systems in accordance with the applicable provisions of the Texas Administrative Code or other applicable state law.
- b. The Owner of a Manufactured Home Rental Community who proposes to dispose of wastewater by connecting to an existing permitted facility must provide a written agreement with the authorized agent of the owner of the existing permitted facility as part of the Manufactured Home Rental Community Infrastructure Development Plan.
- c. The Owner of a Manufactured Home Rental Community who proposes to utilize on-site sewage disposal shall comply with all On-Site Sewage Regulations of Young County and the State of Texas.
- d. In addition to the unsatisfactory on-site disposal systems listed in the applicable provisions of the Texas Administrative Code, pit privies and portable toilets are not acceptable waste disposal systems for a Manufactured Home Rental Community.

III. Exemption

Low Density Manufactured Home Rental Community Exemptions — These regulations do not apply to Low-Density Manufactured Home Rental Communities. Low-Density Manufactured Home Rental Communities are those in which each individual Manufactured Home is situated on a lot or tract of ten (10) acres or larger. This exception in no way nullifies other requirements of state law or county orders which may be applicable to Low Density Manufactured Home Rental Communities, including but not limited to State and County Regulations regarding on site sewage disposal and water.

IV. Variance and Exceptions

A. General — The Commissioners Court of Young County recognizes that there are vast differences in terrain and population density in Young County. In instances when the Commissioners Court finds that extraordinary hardships or extreme practical difficulties will result from strict compliance with these regulations and/or the purposes of the regulations may be fulfilled to a greater extent by an alternative proposal, the Commissioners Court may approve variances or exceptions to these Regulations so that substantial justice may be done and the public interest secured. Variances may be made, provided that the variance or exception shall not have the effect of nullifying the intent and purpose of these Regulations, and further provided that the variance is allowed by Texas law.

B. Evidence Required — The Commissioners Court shall not approve variances or exceptions unless it shall make finding based upon evidence presented to it in each specific case that:

1. The granting of the variance or exception will not be detrimental to the public health, safety or welfare, or injurious to other property;
2. The conditions upon which the variance request is based are unique to the property for which the relief is sought and not applicable generally to other property;
3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the Owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.

C. Authority — Authority to make final approval of all variances and exceptions is vested to the Young County Commissioners Court. Requests for variances shall be filed at the time of application and may be taken up at only posted meetings of the Young County Commissioners Court while the application is pending.

V. Applicability

A. Effective Date — This Court Order is effective upon the date of final approval by the Young County Commissioners Court.

- B. Date Construction Commenced** — This Court Order applies only to a Manufactured Home Rental Community for which construction is commenced on or after the date these infrastructure standards are adopted by the Young County Commissioners Court.
- C. Expansion of Existing Manufactured Home Community Rentals** — These standards are applicable to any expansion of any existing Manufactured Home Rental Community after the effective date of these standards.
- D. Applicable Outside City Limits** — These standards are applicable in Young County outside the city limits of any incorporated city, other than the ETJ of a municipality who has entered into an agreement with the Young County Commissioners Court granting full authority to the municipality for regulating Manufactured Home Rental Communities within the municipalities' extra territorial jurisdiction ("ETJ").

VI. Interpretation - Conflict, Severability, Savings and Amendments

- A. Interpretation** — In their interpretation and application, the provisions of these Standards shall be held to be minimum requirements for the promotion of public health, safety, and general welfare. These standards shall be construed broadly to promote the purposes for which they are adopted.
- B. Public Provisions** — These Standards are not intended to interfere with, abrogate, or annul any other Young County regulation, state statute, or other provision of law except as provided in these Standards. Where any provision of these Standards or any other rule or regulation or other provision of law are in conflict the provision which is more restrictive or imposes a higher standard shall control.
- C. Private Provisions** — These standards are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that if the provisions of these Standards are more restrictive or impose higher standards or standards than such easement, covenant, or other private agreement or restriction, the requirements of these Regulation shall governed.
- D. Severability** — If any part or provision of these Standards, or the application of these Standards to any person or circumstance is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these Standards or application of them to other persons or circumstances.
- E. Saving Provision** — These Standards shall not be construed as abating any action now pending under or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation or as waiving the right of the State or Country under any section or provision existing at the time of adoption of these Standards, or as vacating or annulling any rights

obtained by any person, firm, or corporation by lawful action of Young County except as shall be expressly provided for in these Standards.


F. Amendments — For the purpose of protecting the public health, safety and general welfare or for any other valid purpose, the Commissioners Court may, from time to time, amend these Standards at a public meeting following public notice in the manner prescribed by law.

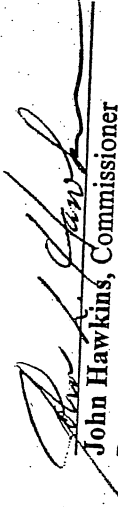
VII. Penalties

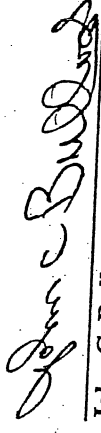
A. Denial of Utility Service — Violation of this Court Order will result in the denial of utility service.


B. Other Penalties — The requirements of this Court Order have been established by and adopted by the Young County Commissioners Court under Chapter 232 of the Texas Local Government Code and all the civil and criminal penalties applicable under that chapter shall apply to violations of this Court Order.


Adopted this 14th day of August 2006.


Stanley H. Peary, III, County Judge


John Hawkins, Commissioner
Precinct One


John C. Bullock, Commissioner
Precinct Two


R. L. Spivey, Commissioner
Precinct Three


David Yoder, Commissioner
Precinct Four

Attest:


Shirley Choate, County Clerk