

ORDER NO. _____

ORDER RE-ADOPTING AND AMENDING LEE COUNTY MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS

BE IT REMEMBERED, that the Commissioners Court of Lee County, Texas (the “Commissioners Court”), met in Regular Session on the 30th day of November, 2020, after notice of meeting had been posted in the form, manner, and place required by law, and after a properly noticed and published PUBLIC HEARING with a quorum of its members present and participating in the meeting when, among other matters, the following came on to be considered and action taken thereon, to-wit: LEE COUNTY MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS.

**LEE COUNTY
MANUFACTURED HOME RENTAL COMMUNITY REGULATIONS**

Definitions

1. “Manufactured home rental community” 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 residences.
2. “Business day” means a day other than a Saturday, Sunday, or holiday recognized by this state
3. “Manufactured home” means a structure in good condition, including but not limited to any type of self-propelled recreational vehicle (RV), and/or those towed by another source transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length or which when erected on-site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. This term includes all structures that meet the above requirements except the size requirements and with respect to which the manufacturer voluntarily files a certification pursuant to 24 C.F.R § 3282.13 and complies with the construction and safety standards set forth in 24 C.F.R. § 3280. Calculations used to determine the number of square feet in a structure will include the total of square feet for each transportable section comprising the completed structure and will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows.
4. “Grandfathered Manufactured Rental Community” means a Manufactured Home Rental Community before initial adoption of Lee County Manufactured Home Rental Community Regulations on April 27, 2020 or for which a written application for a permit was filed with Lee County before the adoption of the April 27, 2020 Manufactured Home Rental Community Regulations.

Infrastructure Development Plan

- A. In accordance with Local Government Code Section 232.007, an Infrastructure Development Plan (IDP) is required for all manufactured home rental Communities, as defined in Section 232.007, Local Government Code. The Owner of a Grandfathered Manufactured Rental Community planning an expansion of the Development must prepare a Development Plan (DP) for said expansion that complies with the minimum requirements that are set out herein.
1. The development shall have a minimum of sixty (60) feet fronting a street or roadway which has been previously dedicated to the public for the public's use and benefit as a street or roadway. Access roads to the individual rental spaces must be constructed and paved to a minimum width of 20 feet with a 1 ½ inch thick Hot Mixed Asphaltic Concrete (HMAC) paved surface, 8-inch-thick crushed stone base, and, if located in clay or sandy soils, a 10 inch thick treated subgrade.
 2. No space may contain more than one single family residential unit. No common driveway shall be allowed. Each space shall have separate and individual access.
 3. A survey of the property shall be submitted prior to the request by the owner or occupier of the lot for any permit and/or utility services.
 4. The owner shall submit a letter of application, signed by the owner, that stipulates the intention of the owner; name, address, phone number of the owner; names of water and electricity providers; and name of wastewater provider or type and usage of on-site sewage facilities.
- B. The Manufactured Home Rental Community Infrastructure Development Plan (IDP) shall show at minimum the following:
1. Only 18" x 24" sheets will be acceptable and at a maximum scale of 1"= 200' (1" = 100' preferred). An index on the first sheet is required when more than two sheets are required for the IDP.
 2. Names, locations, dimensions (bearings and distances), and layouts of existing and proposed streets, alleys, easements, and other public rights-of way and public/private encumbrances (deed restrictions, etc.) on the property and any proposed street right-of-way, easement, alley, park, or other public dedication.
 3. Dimensions, bearings and distances, of the proposed rental spaces.
 4. Signatures and date of approval and certifications on the IDP. These approval signatures shall be not more than six (6) months prior to the submission.
 5. Legal description, acreage, and name of the proposed Development. The Development's name shall not be spelled or pronounced similarly to the name of any existing Development or Subdivision located within the County.

6. The boundary of the Development indicated by a heavy line and described by bearings and distances.
7. Scale, legend, north arrow, spot elevations on 100' or an appropriate grid, with two-foot (2.0') contour lines. Alternate contour intervals may be submitted, based on terrain, with approval from the County.
8. Deed record, name of owner, volume and page number of adjoining properties.
9. Dates of survey and preparation of IDP.
10. Identification code, location, description, and elevation of the USGS or appropriate benchmark used in the survey.
11. Front building setback lines. Back and side building setback lines by note.
12. Location of any City's corporate limit line or extra territorial jurisdiction line.
13. Vicinity map with streets, ditches, general drainage flow directions to the ultimate outfall, city limits and ETJs, and other major land features.
14. Net area (gross area less easements) of rental spaces to the nearest 1/100 of an acre for lots using On Site Sewage Facilities and/or well water.
15. Limits of flood hazard areas as defined by the appropriate FEMA FIRM panel and the proposed finished floor elevation of buildings within these flood hazard areas on each space.
16. A certification by a Surveyor or Engineer describing any area of the Development that is in a Flood plain or stating that no area is in a Flood plain, as delineated by the appropriate FEMA FIRM panel and date.
17. A surveyor's signature and seal on the IDP for certification.
18. The description of the water and sewer facilities, electricity and gas utilities, and roadways and easements dedicated for the provision of water and sewer facilities that will be constructed or installed to serve the Development and a statement of the date by which the facilities will be fully operable, prepared by an Engineer (may be included in an attached document). A certification must be included that the water and sewer facilities described by the IDF, or document attached to the IDP, are in compliance with these Regulations.
19. Approvals by other regulatory and governing bodies, as required.

C. The IDP submittal shall also include the following documents:

1. Letters signed and dated from water, wastewater, and electric utilities of service commitment and availability and statement of approval of existing and proposed utility easements.
2. A tax certificate showing that all taxes currently due with respect to the original tract have been paid.
3. Results of soils analysis certified by a qualified site evaluator (as defined by 30 TAC Chapter 285) for on-site sewage facilities (OSSF).

4. Engineering Design Construction Plans for roadway access to each rental space for fire and emergency vehicles.
5. Drainage design plans to ensure adequate drainage off of the rental spaces to drainage channels and out of the Development, including the design of drainage structures, culverts, and/or systems using a 25/100 year storm frequency, such that the drainage out of the Development does not have a negative drainage impact on neighboring properties. If additional right of way (ROW) is required for existing County road drainage and access as determined by the County Engineer to achieve a 60-foot-wide Right of Way, the owner shall dedicate these rights of way to the County.
6. The Engineering Report, as described in these Regulations.

D. Plans for Fire Suppression

1. Where a water line of six inch (6") diameter or greater is along the road adjacent to or across from the proposed Development, and is available for service to the proposed Development, the Operator shall place fire hydrants to the specifications of the State Board of Insurance Standards, or local standards as applicable. Fire hydrants placed in the Development shall have at least two (2) two and one-half inch (2.5") outlets with National Standard Treads (N.S.T.) and one (1) larger outlet for the local fire department.
2. In a Development that is served by fire hydrants as part of a centralized water system certified by TCEQ as meeting minimum standards for water utility services, fire hydrants shall be located on or within ten feet (10') of a road, not more than 1,000 feet (1000') apart, and no road frontage of any Lodging Development Unit or Recreational Vehicle Space shall be more than 500 feet (500') from an approved fire hydrant. The fire hydrants shall be on a minimum six inch (6") main and flow at 250 GPM for two (2) hours sustained. The fire protection system shall be designed and certified by a professional engineer certifying that these requirements have been met. The design and certification shall be provided as part of the application for the Development. A signed statement by a registered professional engineer certifying that these requirements have been met shall be on the DP.
3. In a Development that IS NOT SERVED BY FIRE HYDRANTS, and IS NOT PART OF A CENTRALIZED WATER SYSTEM certified by TCEQ as meeting minimum standards for water utility services, the Operator shall provide water storage as follows:
 - For a Development of fewer than 5 Units, Spaces, or combination thereof: 2,500 gallons of storage OR for a Development of 5 or more Units, Spaces, or combination thereof: 10,000 gallons of storage.
 - Access to the storage tank shall be constructed so that it is an all weather road service to the tank and provide access to the storage tank from a distance of not

more than four feet (4') from the edge of the road or driveway.

- Storage tanks shall be engineered, elevated, constructed on a concrete pad, designed to be compatible to fire suppression equipment, and engineered and constructed in compliance with NFPA Code 22.
- Lee County has no obligation to maintain, repair, replace or fill the water storage tank(s). Operator shall maintain the storage tanks at all times in compliance with these rules.
- The water storage tank(s) must be installed, filled and pass inspection prior to any Lodging Development Units or Recreational Vehicle Spaces being occupied. The developer is required to maintain the water storage tank(s) for compliance with the permitted use.

E. PLANS FOR OPERATION

- a. The Operator shall display the name of the Development with a sign at least twenty- four inches (24") high and plainly visible from the public road. The characters on the Development sign shall be reflective, at least three inches (3") high, and plainly visible from the public road. The Operator shall maintain the Development sign and shall not allow it to be obscured by weeds, vehicles, or anything else.
- b. The Operator shall mark with a sign each Unit and Space. The characters on each Space sign shall be reflective, at least three inches (3") high, and plainly visible from the road. The Operator shall maintain each Space sign, and shall not allow it to be obscured by weeds, vehicles, or anything else.
- c. The Operator shall keep all internal roads clear of obstructions, including parked vehicles, at all times.
- d. The Operator shall keep all service buildings (if any) clean and in good repair at all times.
- e. The Operator shall require that water discharged in the Development by a Manufactured Home, except air conditioning condensation, flow into the sewage system.
- f. All spaces and common areas shall be kept mowed and free of high grass and weeds or other conditions that harbor insects, rodents or other conditions that pose a threat to the health, safety, or welfare of the occupants or Lee County citizens.
- g. All rental spaces and all common areas shall be kept clear of all waste, trash, inoperative motor vehicles and other unsanitary, unhealthful, unsightly and nuisance conditions.
- h. Plans for Waste Collection and Disposal such that the storage, collection and disposal of refuse in the Development shall be so conducted as to create no health hazards.
- i. Refuse collection containers shall be provided in such a manner as to prevent containers from being tipped, to minimize spillage and container deterioration. The Operator shall keep the area around the refuse collection containers clean at all times.

- j. All Park Development shall be served by a public or commercial waste collection and disposal service that collects all trash and rubbish at least once weekly. It shall be a condition of occupancy that all tenants agree to be served by such service.
- k. If the minimum container capacity is insufficient to accept 100% of the solid waste generated by the tenants of the Development, the Operator shall either increase the frequency of collection and disposal or increase the number of containers.
- l. The Operator shall not allow any burning of garbage, or other disposal of garbage, except into the authorized containers. For the purposes of this section, dry materials that have been segregated and stored in a sanitary manner for recycling shall not be considered garbage.

F. **Inspection of Improvements.** Construction of a proposed Manufactured Home Rental Community may not begin before the date the Commissioners Court approves the IDP. Periodic inspection of improvements may be required. If the County directs that a final inspection is required, it must be completed not later than the second business day after the date the County receives a written confirmation from the owner that the construction of the infrastructure is complete. If the inspector determines that the infrastructure improvements comply with IDP, then the County shall issue a Certificate of Compliance not later than the fifth business day after the date the County receives written confirmation from the owner that the infrastructure has been completed and in compliance with the IDP.

G. **Utilities.** A Utility may not provide utility services, including water, sewer, gas, and electric services, to a Manufactured Home Rental Community subject to an IDP or to a manufactured home in the community unless the owner provides the utility with a copy of the Certificate of Compliance issued by the County. This requirement applies to:

- 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 service corporation organized and operating under Chapter 67, Water Code, that provides utility services;
- 5. A county that provides utility services; and
- 6. A special district or authority created by state law that provides utility services.

H. **Timely Approval of Infrastructure Development Plans.** Not later than the 60th day after the date the owner of a proposed manufactured home rental community submits an infrastructure development plan for approval, the County shall approve or reject the plan in writing. If the plan is rejected, the written rejection must specify the reasons for the rejection and the actions required for approval of the plan. The failure to reject a plan within the period prescribed herein constitutes approval of the plan.

Fees. The owner of a proposed manufactured home rental community shall submit the plat review and inspection fees as follows: The fee for a Development Plan shall be \$500.00 plus \$20.00 per lot.

Engineering Report for Manufactured Home Rental Communities

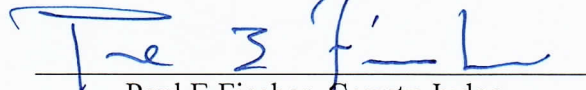
This report, which shall be signed, dated, and sealed by a licensed professional engineer registered in Texas, shall contain detailed and definitive information on the following:

- A. Water Supply Facilities
 - 1. Public Water Systems
 - a. If the water supplier is a political subdivision of the state: a city, municipality, utility district, water control and improvement district, nonprofit water supply corporation, etc., the Developer shall furnish a signed letter of service availability from the water supplier to provide the state's minimum requirements of quality and quantity of water to the proposed Development.
 - b. Where there is no existing facility or owner intending to construct and maintain the proposed water supply facilities, the Developer may establish an investor-owned utility or create a municipal utility district and obtain a Certificate of Convenience and Necessity (CCN) from the Texas Commission on Environmental Quality (TCEQ) and include evidence of the CCN issuance for the Development area. Prior to IDP approval, plans and specifications for the proposed water facilities system shall have been approved by all entities having jurisdiction over the proposed project, including TCEQ.
 - c. Water service must be extended into the Development to each lot or rental space if the existing water lines are located within 300 feet of the Development and if there is sufficient water available by the water supplier.
 - 2. Private Wells or Non-public Water Systems – Quantitative and qualitative results of sampling test wells in accordance with requirements promulgated by the TCEQ and the Texas Department of Health shall be included where individual wells are proposed for the supply of drinking water to residences and other establishments. The results of the analyses shall be made available to the prospective property owners or renters.
 - 3. Prior to IDP approval, plans and specifications for the proposed water facilities system shall have been approved by all entities having jurisdiction over the proposed project, including TCEQ. Evidence of the approvals shall be included in the Engineering Report.
- B. Wastewater Disposal Facilities
 - 1. Centralized Sewerage Facilities
 - a. If wastewater treatment is provided by a political subdivision of the state (city, municipality, utility district, water control and improvement district, nonprofit water supply corporation or an existing investor-owned water supply corporation, etc.) the Developer shall furnish a signed letter of service availability to provide the state's minimum wastewater treatment standard for the proposed Development from the utility.

- b. Where there is no existing entity or owner to build or maintain the proposed wastewater treatment and collection facilities, the Developer may establish an investor-owned utility or a municipal utility district by obtaining a Certificate of Convenience and Necessity (CCN) from the TCEQ.
 - c. Prior to IDP approval, an appropriate permit to treat and/or dispose of wastes for the ultimate build-out of the Development shall have been obtained from the TCEQ and plans and specifications for the proposed wastewater collection and treatment facilities shall have been approved by all entities having jurisdiction over the proposed project, including TCEQ. Evidence of the approvals shall be included in the Engineering Report.
 - d. Wastewater disposal service must be extended into the Development to each lot or rental space if the existing wastewater lines are within 200 feet of the Development and there is sufficient wastewater capacity available from the wastewater service provider.
2. On-Site Sewage Facilities – The engineering report shall include soils analysis results as required under the LEE County Regulations for On-Site Sewage Facilities.
- C. Roadways. The Engineering Report shall include a description of the roadways within the Community, and include information on the roadway cross section, pavement width and thickness, base thickness, subgrade treatment, material specifications, and other information as required in these Regulations. Plans and specifications for these improvements shall also be submitted to the County for approval prior to construction.
 - D. Signage Plan. A signage plan for the streets to be constructed, if any, is to be included that shows an overall street layout depicting the location and description of signs and traffic control devices to be installed. The traffic control devices will include street name signs, stop signs, yield signs, speed limit signs, directional controls, striping, and delineators, etc.
 - E. Traffic Impact Study. For Manufactured Home Rental Communities of 100 spaces or greater, the Engineering Report may, at the request of the County, be required to include a Traffic Impact Study to assess the effects of additional traffic on the existing and proposed transportation system.
 - F. Drainage. The Engineering Report shall include information on the Development and roadway drainage, culverts, conveyances, outfalls, and other information as required to properly convey storm water within and away from the Development. Plans and specifications for these improvements shall also be submitted to the County for approval prior to construction.

- G. Electronic Submission. A computer generated file of the layout of the lots and streets (to scale and with state plan coordinates) within the Development shall be submitted for incorporation into the County-wide map.

ADOPTED BY THE LEE COUNTY COMMISSIONERS COURT
November 30, 2020


Paul E Fischer, County Judge


Maurice Pitts, Jr. Commissioner Pct 1


Richard Wagner Commissioner Pct 2



Alan Turner Commissioner Pct 3


Steven Knobloch Commissioner Pct 4

I, Sharon Blasig, County Clerk of Lee County, Texas, and ex officio clerk of the Commissioners Court of Lee County, Texas, do hereby certify that the above and foregoing is a true and correct original of the Order adopted by the Commissioners Court of Lee County, Texas, at a regular session of said Court, held and conducted on the 30th day of November, 2020, as the same appears in the Minutes thereof, and that said Order has not been amended, revoked, or rescinded.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 30th day of Nov., 2020.




SHARON BLASIG
County Clerk, Lee County, Texas