

**ORDER ADOPTING BRAZOS COUNTY INFRASTRUCTURE
REQUIREMENTS FOR
MANUFACTURED HOME RENTAL COMMUNITIES**

STATE OF TEXAS §

COUNTY OF BRAZOS §

WHEREAS, the Commissioners' Court of Brazos County has the authority to regulate Manufactured Home Rental Communities pursuant to Local Government Code, Sec. 232.007; and

WHEREAS, the attached minimum infrastructure standards are not more stringent than the requirements adopted by this court for subdivisions; and

WHEREAS, all requirements that provide for the ingress and egress of emergency vehicles are not more than what are reasonably necessary; and

WHEREAS, the Brazos County Health District has been designated by the Texas Commission on Environmental Quality as the authorized agent for the licensing and regulation of on-site sewerage facilities with Brazos County and these Regulations are a necessary component of such regulation; and

WHEREAS, the Commissioners' Court of Brazos County has the authority and obligation to exercise general control over the roads, highways, bridges and related drainage structures and development within Brazos County; and

WHEREAS, the Commissioners' Court of Brazos County has the authority and obligation to protect the public health, safety, morals or general welfare of the citizens of Brazos County as provided in Chapter 232.101, Texas Local Government Code; and

WHEREAS, Brazos County has the authority to insure the health and safety of its citizens by assuring that an adequate supply of safe drinking water and safe sewer facilities are available to residential areas pursuant to Subchapter C, Chapter 341, of the Health and Safety Code; and

NOW THEREFORE, BE IT RESOLVED that the following Order is adopted effective immediately establishing minimum infrastructure standards and requirements relating to Manufactured Home Rental Communities.

Section 1 Definitions

- 100.001** **Brazos County OSSF Order:** the order adopted by the Commissioners Court to regulate On-Site Sewage Facilities in Brazos County.
- 100.002** **Brazos County Subdivision Regulations:** the Brazos County Subdivision Regulations adopted by the Commissioners' Court to regulate subdivision platting in the unincorporated areas of Brazos County.
- 100.003** **Business Day:** a day other than a Saturday, Sunday or holiday recognized by Brazos County.
- 100.004** **Commissioners' Court:** The Commissioners' Court of Brazos County.
- 100.005** **County Engineer:** The County Engineer of Brazos County as appointed by the Commissioners Court.
- 100.006** **Development Plan:** a complete and exact plan for the infrastructure of a manufactured home rental community including, without limitation, the survey and all drawings and specifications required herein.
- 100.007** **Manufactured Home:** a movable portable building that is usually connected to utilities and constructed to be towed on its own chassis by a motor vehicle. It may consist of one or more units, which are separately towed but designed to be joined into one integral unit.
- 100.007** **Manufactured Home Rental Community:** a lot 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.
- 100.008** **Operator:** Includes the person in charge of operating any Manufactured Home/Mobile Home/RV Rental Community, either under written or verbal (oral) lease, or any other arrangement whereby he or she exercises control over the premises.
- 100.009** **Owner:** Includes the person in whose name the title to the lot, block, tract, or parcel of land is shown to be.
- 100.010** **Person:** means an individual or a partnership, company, corporation, association, or other group, however organized.
- 100.011** **Recreational Vehicle ("RV"):** means a motor vehicle primarily designed as temporary living quarters for recreational camping or travel use, including:
- (A) Camping Trailer:** A folding structure mounted on wheels and designed for travel, recreation, and vacation use;

(B) **Motor Home:** A portable, temporary dwelling to be used for travel, recreation, or vacation, constructed as an integral part of a self-propelled vehicle.

(C) **Pickup Coach:** A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, or vacation.

(D) **Travel Trailer:** A vehicular structure built on a chassis with body width not to exceed eight feet and body length less than 46 feet, designed to be transported and intended for human occupancy as a dwelling for short periods of time and containing limited or no kitchen or bathroom facilities.

100.012 **Spaces or Lots:** the areas designated on the Development Plans for the location of one manufactured home. Spaces shall be numbered consecutively on the plan to facilitate addressing and to assist law enforcement, fire-fighting and emergency service units in responding to emergencies.

100.013 **TCEQ:** Texas Commission on Environmental Quality and any successor agencies.

Section 2 Exclusions

This Order is not applicable to subdivisions of property in the unincorporated areas of Brazos County where manufactured homes or other structures of a permanent or temporary nature are allowed to be placed or located on spaces or lots owned or to be sold or offered for sale to the owners of the manufactured homes or other structures placed or located on such spaces or lots; or to a plot or tract of land in the unincorporated areas of Brazos County that is separated into two or more spaces or lots that are rented, leased, or offered for rent or lease with a purchase option. Such subdivisions and/or plots and/or tracts are subject to and shall comply with all applicable requirements of the Brazos County Subdivision Regulations.

Section 3 General Requirements

The owner of land located in Brazos County outside the city limits of a municipality who intends to use the land for a manufactured home rental community must have a Development Plan prepared that complies with the minimum infrastructure standards set below.

300.001 **Development Plan:** The owner of land located in Brazos County outside the limits of a municipality, including the ETJ, who intends to use the land for a Manufactured Home Rental Community must prepare a Development Plan, as required by Local Government Code, Chapter 232.007 (e), that complies with the minimum infrastructure standards established in this regulation. Prior to beginning any construction, the owner must submit the Development Plan to the Brazos County Engineer for review and approval by the Commissioners' Court.

- 300.002** **Application:** The owner shall submit an Application form provided by Brazos County Engineers Office, signed by the owner which stipulates the intention of the owner; name, address, phone number of the owner; names of water and electricity providers, name of wastewater provider or type and usage of onsite sewage facilities; and other pertinent information as set forth herein.
- 300.003** **Fees:** Shall be paid at time of submittal in amount in accordance with the Fee Schedule in the Brazos County Subdivision Regulations.
- 300.004** **General Access:** The development shall have a minimum of seventy (70') feet fronting a street or roadway which has been previously dedicated to the public for the public's use and benefit as a roadway. The public roadway must also be maintained by Brazos County. Access roads to the individual rental spaces must be constructed to appropriate Brazos County guidelines for a Local Road, Collector Road, Arterial Road as appropriate.
- 300.0041** **Unit Access:** No space may contain more than one single-family residential unit. No common driveways shall be allowed. Each space shall have separate and individual access.
- 300.005** **Time Limit for Acceptance:** Not later than the 60th day after the date the Development Plan is submitted; the County Engineer shall approve or reject the Development Plan in writing. If the Development Plan is approved, the County Engineer shall schedule a presentation of the accepted Development Plan to the Commissioners' Court at their next available meeting. Approval of the Development Plan by the Commissioners' Court will permit construction to begin immediately.

If the Development Plan is rejected by the county Engineer, the written rejection shall specify the reasons for the rejection and the actions required for acceptance of the Development Plan. All listed changes will be made to the documents and re-submitted to the County Engineer for review and acceptance.

The failure to reject or approve a Development Plan within the period prescribed by this subsection constitutes approval of the plan.

- 300.006** **Requirements of the Infrastructure Development Plan:** The development plan shall include written documentation to satisfy all items set forth under the Minimum Infrastructure Standards, Rules, and the survey as set forth herein. The Development Plan shall contain the following components:
- 300.0061** **Survey** of the manufactured home rental community that complies with the provisions set forth in Section 5 herein.
- 300.0062** **Drainage Plan** that complies with the standards set forth in Section 6 herein; and
- 300.0063** **Road and Driveway Plan** that complies with the standards set forth in Section 6 herein; and

- 300.0064** **Documentation of approval of water supply system and/or agreement to be provided water as set forth in Section 6 herein; and**
- 300.0065** **Provision for the safe, effective and sanitary treatment of wastewater as set forth in Section 6 herein;**
- 300.0066** **Evidence of satisfaction of other infrastructure requirements as set forth in Section 6 herein and compliance with the Rules set forth in Section 7 herein.**
- 300.007** **Required Document List:** A complete submittal shall also include:
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. Engineering Report as described in Section 6.
- 300.008** **Inspection by the County Engineer:** The County Engineer may inspect the infrastructure at any reasonable time during construction, and the owner and his agents shall not hinder such inspections. Upon completion of construction, the owner shall notify the County Engineer, in writing, that the infrastructure is complete. A final inspection will be scheduled within a week after the notice is received by the county Engineer. If the inspection indicates the infrastructure does not fully comply with the Infrastructure Development Plan or these regulations, the owner shall be provided written reasons and actions required to cure the defects. Upon completion of the corrective actions, the owner shall request another inspection.
- 300.009** **Approval By Commissioners' Court:** When the infrastructure complies with these regulations, the County Engineer will schedule a review by the Commissioners' Court at their next available meeting. The County Engineer shall issue a County Certificate of Compliance not later than the fifth business day following the Commissioners Court approval of the plan.

Section 4 Enforcement

This Order may be enforced in the same manner as other orders of the Commissioners Court including applicable provisions contained in Article 14 of the Brazos County Subdivision Regulations. In addition, the following restrictions apply to utility connections in a

manufactured home community: A utility provider may **not** provide utility services, including water, sewer, gas, electric, and communication services, to a manufactured home or recreational vehicle in such community unless the owner provides the utility with a copy of the Certificate of Compliance issued under Section 3. This subsection applies only to:

- (1) a municipality that provides utility services;
- (2) a municipally 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.

Section 5 Survey Requirements

- 500.001** **Survey:** The Infrastructure Development Plan shall include a survey identifying the proposed Manufactured Home Rental Community's boundaries as prepared by a registered professional surveyor licensed in the State of Texas and shall comply with the following requirements:
- 500.002** Be an accurate survey of the property with reference to a patent survey line and adjoining established subdivisions. The approximate acreage of the manufactured home rental community shall be shown to nearest 0.1 acre.
- 500.003** 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 Brazos County.
- 500.004** Show the location, dimensions, names and description of all existing or recorded:
1. Roads, streets, alleys, reservations, easements or other rights-of-way, including storm water collection and drainage areas within the area of the proposed manufactured home rental community and intersecting or contiguous with its boundaries or forming such boundaries or that are proposed to serve the proposed community; and
 2. All structures including buildings, fences, wells (water, oil or monitor), storage tanks, fire hydrants or other fire-fighting connections, electric and other utility systems including water supply and septic collection and treatment systems located within the area of the proposed home rental community or that are proposed to serve the proposed community.

3. Deed record, name of owner, volume and page number of adjoining properties.

500.005 Show the location, dimensions, names and description of all proposed:

1. Roads, streets, alleys, driveways, easements or other rights-of-way for any purpose, street and/or road names shall be indicated, (street and/or road names shall be approved by the Brazos County 9-1-1); and
2. Structures, buildings, wells, electric and other utility systems, including water lines and sewage collection and/or treatment facilities, storage tanks, fire hydrants and other fire-fighting facilities, common areas including recreational facilities and parking areas, fencing, landscaping, signage and lighting; and
3. Rental spaces consecutively numbered with dimensions, bearings and distances of the proposed rental spaces.

500.006 Indicate the date of preparation, scale of survey, vicinity map and north arrow.

500.007 Topographic information shall be shown to include the following:

1. Contour lines at 2 foot intervals for slopes of 5% or less, and 5 foot intervals for slopes exceeding 5%; and
2. All Special Flood Hazard areas as identified by the most current Flood Insurance Rate Maps published by the Federal Emergency Management Agency (FEMA).

(NOTE: Manufactured home rental communities that lie within, all or part, of the flood plain are subject to additional requirements imposed by applicable laws and regulations including the Brazos County Flood Prevention Order.)

500.008 The survey shall be on permanent reproducible paper, 18 inches vertical and 24 inches horizontal, with margins of not less than one inch. The survey shall be drawn at a scale of not more than 200 feet to one (1) inch. Where more than one sheet is necessary to accommodate the entire manufactured home rental community, an index sheet showing the entire community at an appropriate scale shall be attached to the survey. Three (3) copies of the survey shall be submitted together with one (1) reproducible copy of the original.

Section 6 Minimum Infrastructure Standards

Following are minimum infrastructure standards for a manufactured home rental community:

600.001 **Drainage:** The Development Plan shall provide adequate drainage in accordance with standard engineering practices, including necessary drainage culverts and identifying areas included in the 100 year flood plain. To satisfy this requirement,

the Development Plan shall comply with all applicable requirements of Article 7.H of the Brazos County Subdivision Regulations and as further modified and set forth below:

- 600.0011** Drainage facilities shall be provided and constructed as required in Article 7.H of the Brazos County Subdivision Regulations. Drainage plans shall be prepared by a licensed professional engineer experienced in hydrology analysis, and shall be signed and sealed by the engineer.
- 600.0012** Drainage facilities shall be designed to minimize any adverse impact to private property or public right-of-way either within or outside the proposed manufactured home rental community. The post development peak discharge at the point of flow leaving the new site shall not exceed the pre-development peak discharge rate for the 2, 5, 10, 25, 50, and 100 year storm events.
- 600.0013** When a drainage channel or storm sewer is to be constructed, three (3) copies of the design complete with construction plans, profiles, and specifications shall be submitted with the Development Plan. The plans shall show construction details and calculations showing the anticipated storm water runoff, including watershed area, velocity of runoff and time of concentration. The drainage plan shall be prepared to a scale of 100 feet to one (1) inch and with the same contours and scaled lot sizes as shown on the survey and shall comply with the following requirements:
- a. No pipe less than 18 inches in diameter shall be used for a culvert, including driveway crossings.
 - b. All road or driveway widths and grades shall be indicated, runoff flow rates shall be indicated on the outlet and inlet side of all drainage ditches and culverts, and at the request of the County Engineer, at all points in the road at changes of grade or where the water enters another road, culvert or drainage ditch. Drainage easements shall be provided as necessary

(NOTE: Drainage areas and/or easements shall not be used for any purposed detrimental to their intended purpose. No structures or objects, including but not limited to, buildings, fences, or landscaping shall be located in a drainage easement.)

- 601.001** **Roads and Driveways:** The Infrastructure Development Plan shall indicate the location and design of roads/streets to provide adequate ingress and egress for fire and emergency vehicles. Roadway drainage shall be designed to allow for use during a 25 year storm with no water over the road in a non-trapped area and 100 year storm in a trapped area. Roads/streets and landscaping shall be maintained to allow ingress and egress for fire and emergency vehicles at all times.
- 601.002** Access roads to the individual rental spaces must be constructed to appropriate Brazos County Engineering Design Guidelines for a Local Road, Collector Road, Arterial Road as appropriate.

601.003 A driveway in a Manufactured Home Rental Community must comply with the Brazos County Regulations for Driveway Construction except that driveway width shall be 18 feet minimum and 22 feet maximum and minimum culvert diameter shall be 18 inches.

601.004 All roadway right-of-way in a manufactured home rental community shall be reasonably cleared of all impediments including stumps, trees, boulders or any other debris.

601.005 The developer of a proposed manufactured home rental community shall present a sign placement plan for the community and obtain approval of the plan by the County Engineer prior to construction of any roads in the community. No sign placement plan is required for driveways. The sign placement plan shall comply with the following requirements:

1. All road signs shall be furnished and installed by the owner in accordance with the "Texas Manual on Uniform Traffic Control Devices" (TMUTCD) issued by the Texas Department of Transportation.
2. A reflective road name sign shall be placed at each road entrance to the manufactured home rental community and at all intersections within or abutting to the manufactured home rental community. Road name signs shall be seven (7) feet above road surface measured to the bottom of the sign. Private road name signs shall have the road name in green on a white background. County road name signs shall have the road name in white on a green background.

601.006 **Traffic Impact Study:** For Manufactured Home Rental Communities of 100 spaces or greater, the Engineering Report may, at the request of the County Engineer, be required to include a Traffic Impact Study in accordance with Article 9 of the Brazos County Subdivision Regulations.

602.001 **Water Supply Facilities:** An Engineering Report for Manufactured Home Rental Communities signed, dated, and sealed by a licensed professional engineer registered in Texas, shall contain detailed and definitive information on the following:

1. If the water supplier is a political subdivision of the state (city, municipality, utility district, water control and improvement district, nonprofit water supply corporation, etc.), the Developer shall furnish a signed letter of service availability and quantity of water to the proposed Development.
2. 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 CCN issuance for the Development area. Prior to Development Plan

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.

3. 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.
4. If groundwater is the source of water supply, the owner is required to obtain certification by an Engineer or another professional designated by State law, that adequate groundwater is available for the Manufactured Home Rental Community. The certification form and content shall be as promulgated by the TCEQ.

603.001 Wastewater Disposal Facilities: The Engineering Report for Manufactured Home Rental Communities shall provide wastewater treatment in accordance with Health and Safety Code, Title 5, Subtitle B, Chapter 366.

1. 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, 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.
2. Where there is no existing facility or owner intending to construct and maintain the proposed wastewater treatment and collection 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).
3. Prior to Development Plan approval, an appropriate permit to treat and/or dispose of waste for the ultimate build-out of the Development shall have been obtained from 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 approvals shall be included in the Engineering Report.
4. Wastewater disposal service must be extended into the Development to each lot or rental space if the existing wastewater lines are located within 200 feet of the Development and if there is sufficient wastewater capacity available by the wastewater provider.
5. If On-Site Sewage Facilities are to be proposed method of treatment, the Engineering Report shall include soils analysis as required under the Brazos County Regulations for On-Site Sewage Facilities.

Section 7 Rules

- 700.001** **Open Areas and Recreational Facilities:** Sufficient open areas and recreational facilities shall be provided by the developer in the manufactured home rental community to serve the occupants of the community at full occupancy as determined by the Commissioners Court or its designee. At least one acre of open space/recreational area, not including roads, alleys or utility or drainage easements shall be set aside for each ten acres or part thereof developed as a manufactured home rental community.
- 700.002** **Fencing and Landscaping:** The perimeter of the manufactured home rental community shall be enclosed in privacy fencing and/or landscaping (plants, shrubs, trees, etc.) to a minimum height from the ground of six feet. No chain link or wire fencing will be permitted.
- 700.003** **Lighting:** Sufficient lighting shall be provided within the community to illuminate all areas of the community for safety, security, law enforcement and emergency services purposes.
- 700.004** **Trash and Waste Collection and Disposal:** All manufactured home rental communities shall be served by a public or commercial waste collections 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. 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. 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 of the community or citizens of Brazos County.
- 700.005** **Parking:** No on-street parking of motor vehicles will be permitted in manufactured home rental communities. Parking lots shall be provided within the community for over-flow and guest parking.

Section 8 Applicability to Recreational Vehicles

Tracts of land located in the unincorporated areas of Brazos County containing two or more spaces that are rented, leased, or offered for rent or lease, for the location of recreational vehicles used as residential dwellings (housing for one or more persons) shall comply with the terms of this Order.

Section 9 Authority to Enter Premises

Upon exhibiting proper identification, any law enforcement personnel or any County official, agent or employee charged with enforcement of health, environmental, safety or fire laws may enter any premises in the unincorporated area of Brazos County at any reasonable time to inspect, investigate or to enforce the provisions of this Order and applicable law.

Section 10 Repeal

All prior Orders adopted by the Commissioners Court of Brazos County, Texas concerning manufactured home rental communities are hereby repealed.

Section 11 Severability

Should any provisions of this Order be held invalid, void or unenforceable by a court of competent jurisdiction, such invalid, void or unenforceable provision shall be severed from this Order and the remaining and unaffected provisions of this Order shall remain in full force and effect.

APPROVED, PASSED AND ADOPTED by the Commissioners' Court of Brazos County, Texas, on this 31st day of October, 2017.

Absent

E. Duane Peters
County Judge

Steven H.W. Aldrich
Steven H.W. Aldrich
County Commissioner, Precinct 1

Sammy Catalena
Sammy Catalena
County Commissioner, Precinct 2

Nancy Berry
Nancy Berry
County Commissioner, Precinct 3

Irma Cauley
Irma Cauley
County Commissioner, Precinct 4

ATTEST:

Karen McQueen
Karen McQueen
Brazos County Clerk