

**HENDERSON COUNTY, TEXAS
INFRASTRUCTURE DEVELOPMENT PLAN FOR
MANUFACTURED HOME, MOBILE HOME, TINY HOME
AND RV RENTAL COMMUNITIES**

I. PURPOSE

The purpose of this Section is to achieve orderly manufactured home community development to assure the best possible community environment and to protect and promote health, safety, and general welfare of the residents of Henderson County. Pursuant to Section 232.007 of the Texas Local Government Code (TLGC), a Manufactured Home Community shall not be required to plat, but shall be required to provide adequate infrastructure to serve the development. An infrastructure development plan shall be submitted to show that minimum infrastructure standards as listed throughout the Henderson County Rules and Regulations For New Subdivisions in Henderson County, are being provided with the development of the Manufactured Home Community.

II. DEFINITIONS

- 2.1 "HUD-Code Manufactured Home" Means a structure:
- A. constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development;
 - B. built on a permanent chassis;
 - C. designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;
 - D. transportable in one or more sections; and
 - E. in the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet and includes the plumbing, heating, air conditioning, and electrical systems of the home.
- 2.2 "Manufactured Home" means a HUD-Code Manufactured Home, a Mobile Home, an Recreational Vehicle or RV, and a Tiny Home.
- 2.3 "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 rental, lease, for the installation of manufactured homes, mobile homes, tiny homes or recreational vehicles, for use and occupancy as residences.
- 2.4 "Mobile Home" means a structure:
- A. constructed before June 15, 1976;
 - B. built on a permanent chassis;

- C. designed for use as a dwelling with or without permanent foundation when the structure is connected to the required utilities;
- D. transportable in one or more sections;
- E. in the traveling mode at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet and includes the plumbing, heating, air conditioning, and electrical systems of the home.

2.5 "Recreational Vehicle" or "RV" means a motor vehicle primarily designated as temporary living quarters for recreational camping or travel use, including:

A. "Motor home" means a motor vehicle that is designed to provide temporary living quarters and that:

(a) is built on a motor vehicle chassis as an integral part of or a permanent attachment to the chassis; and

(b) contains at least four of the following independent life support systems that are permanently installed and designed to be removed only for repair or replacement and that meet the standards of the American National Standards Institute, Standards for Recreational Vehicles:

- (i) a cooking facility with an on-board fuel source;
- (ii) a gas or electric refrigerator;
- (iii) a toilet with exterior evacuation;
- (iv) a heating or air conditioning system with an on-board power or fuel source separate from the vehicle engine;
- (v) a potable water supply system that includes at least a sink, a faucet, and a water tank with an exterior service supply connection; or
- (vi) a 110-125 volt electric power supply.

B. "Towable recreational vehicle" means a non-motorized vehicle that:

(a) was originally designed and manufactured primarily to provide temporary human habitation in conjunction with recreational, camping, or seasonal use;

(b) meets the requirements to be issued a certificate of title and registration by the department as a travel trailer through a county tax assessor-collector;

(c) is permanently built on a single chassis;

(d) contains at least one life support system; and

(e) is designed to be towable by a motor vehicle.

2.6 "Tiny Home" means a small dwelling unit that is free standing, usually styled as a site built home, but built on a chassis so that it can be towed by a motor vehicle. Tiny homes are typically 400 square feet or less and are sometimes also referred to as park homes.

2.7 "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.

2.8 "Manufactured Home Rental Community" means a Manufactured Home Community in which two or more spaces or lots are rented, leased, or offered for rent or lease for a term of less than 60 months.

III. General Process and Procedure

3.1 A pre-application conference between the Applicant and the appropriate County Commissioner is required; inclusion of the County's Designated Engineer within that pre-application conference is strongly encouraged. The objective of the meeting is to initiate an informal review of the plans; to expedite the application process; and to reduce site plan design and development costs. The Applicant shall not be bound by the determinations made at the pre-application conference, nor shall the County Commissioner or the Commissioners Court be bound by decisions made during any such review. The pre-application conference shall be scheduled and performed upon request of the Applicant. Applicant's request for a pre-application conference shall be submitted in letter form to the respective County Commissioner's office and the pre-application conference shall be scheduled within 30 days of receipt of the letter.

3.2 The owner of land located in Henderson County outside the limits of a municipality who intends to use the land for a Manufactured Home Rental Community must have an infrastructure development plan prepared that complies with the minimum infrastructure standards that are set out in this policy.

3.3 Prior to beginning any construction, the owner must submit the plan to the Henderson County Engineer for approval. Construction may not begin before the plan is approved.

3.4 Not later than the 60th day after the date the plan is submitted, the County Commissioners' Court shall approve or reject the plan in writing. If the plan is approved, construction may begin immediately. 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 by this subsection constitutes approval of the plan.

3.5 The County Engineer, as well as any other person designated by either the County Engineer or the County Commissioners, may inspect the infrastructure at any reasonable time during construction, and the owner and his agents shall not hinder such inspections.

3.6 On completion of construction, the owner shall confirm in writing to the County Engineer that the infrastructure is complete, and a final inspection must be completed not later than the tenth (10) business day after the date of notice. If the inspector determines that the infrastructure does not fully comply with the plan, the owner shall be given an opportunity to cure the defects. On completion of curative construction, the owner should request another inspection.

3.7 When the inspector determines that the infrastructure complies with the plan, the County Engineer shall issue a Certificate of Compliance not later than the fifth business day after the day the final inspection is completed.

IV. Requirements of the Infrastructure Development Plan

4.1 The infrastructure development plan for a Manufactured Home Rental Community must include each of the following:

(A) A survey identifying the proposed community's boundaries and any significant features of the community, including the proposed location of lots or spaces, utility/drainage easements, and dedication of rights-of-way. The survey may also contain features to help provide the additional information required by this Order.

(B) Reasonably specified plans to provide adequate drainage in accordance with standard engineering practices, including specifying necessary drainage culverts and identifying areas included in the 100-year flood plain.

(C) Reasonably specified plans to provide an adequate public or community water supply, including specifying the location of supply lines, in accordance with Subchapter C, Chapter 341, Health and Safety Code. If water is to be provided by a utility, a certification by the utility that water is available for each of the planned spaces or lots must be attached to the plan.

(D) Either (1) Reasonably specified plans to provide access to sanitary sewer lines, including specifying the location of sanitary sewer lines. If sewage treatment is to be

provided by a utility, a certification by the utility that service for each of the planned spaces or lots is available must be attached to the plan. If the sewage is to be treated in some other way, approval by the relevant government agency that is to license or inspect the treatment facilities must be attached; or (2) Reasonably specified plans for providing on-site sewage facilities in accordance with Chapter 366, Health and Safety Code. Approval by the Henderson County Sewer Inspector must be attached to the plan.

(E) Reasonably specified plans for streets or roads in the Manufactured Home Rental Community to provide ingress and egress for fire and emergency vehicles. (1) The Commissioners Court finds that it is reasonably necessary that streets in these communities should be built to the same standards (but to no more stringent standard) than the requirements adopted by the Court for subdivisions. (2) The road design and construction standards contained in the Henderson County Subdivision Regulations, as amended from time to time, are therefore incorporated by reference into this Order as fully and completely as if set out verbatim herein. The street or road specifications in the infrastructure development plan must comply with those standards to the maximum degree practicable. (3) Commissioners Court (but not the County Engineer) may grant a variance when strict application of these standards would work an unusual hardship.

(F) The road specifications must include adequate provision for roadway maintenance to guarantee future ingress and egress by fire and emergency vehicles. It may meet this requirement by either;

(a) dedicating the roadways to the public. The County may accept dedicated rights-of way for public maintenance only if their current condition complies with all county standards, and only upon the earlier of

- (i) two years from issuance of the certificate of completion or
- (ii) posting of an adequate two-year maintenance bond. (or)

(b) providing an adequate financing mechanism for private maintenance. The plan must contain a covenant that every future lease or rental agreement will inform the tenants that the County will never maintain any road or street in the community under any circumstances.

V. Infrastructure Requirements

The following infrastructure requirements are the minimum standards for rental home communities in Henderson County and are subject to review and final approval by the County's engineer and the County Commissioners' Court.

5.1 For all publicly developments with new roads being dedicated to the public, 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 2" 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. If roads will be private roads and privately maintained under Section IV (F) (b) above, a variance may be issued subject to the discretion of the County Commissioners' Court.

5.2 No space may contain more than one single family residential unit. No common driveway shall be allowed. Manufactured Home rental community with a density of more than one house per acre, shall have an approved community wastewater treatment center (package plant).

5.3 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.

5.4 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.

5.5 The Manufactured Home Rental Community Infrastructure Development Plan (IDP) shall show at minimum the following:

A. 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.

B. Dimensions, bearings and distances, of the proposed rental spaces.

C. Signatures and date of approval and certifications on the IDP. The IDP shall be signed by the County Judge, the Commissioner of the precinct where the development is located, the County's engineer, the County Septic Inspector and County Emergency Management designees. These approval signatures shall be not more than six (6) months prior to the submission.

D. 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.

E. The boundary of the Development indicated by a heavy line and described by bearings and distances.

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

G. Dates of survey and preparation of IDP.

H. Identification code, location, description, and elevation of the USGS or appropriate benchmark used in the survey.

I. Front building setback lines. Back and side building setback lines by note.

J. Vicinity map with streets, ditches, general drainage flow directions to the ultimate outfall, city limits and ETJs, and other major land features.

K. 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.

L. 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.

M. 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.

N. A surveyor's signature and seal on the IDP for certification.

O. 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 IDP, or document attached to the IDP, are in compliance with these Regulations.

P. All subdivisions shall have at least two points of ingress/egress.

Q. Approvals by other regulatory and governing bodies, as required.

5.6 Other items to be submitted with the IDP shall also include the following documents:

A. 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.

B. A tax certificate showing that all taxes currently due with respect to the original tract have been paid.

C. Results of soils analysis certified by a qualified site evaluator (as defined by 30 TAC Chapter 285) for on-site sewage facilities (OSSF).

D. Engineering Design Construction Plans for roadway access to each rental space for fire and emergency vehicles. All dead in streets shall have a cul de sac with a minimum radius of 45'.

E. 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 10 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.

VI. Utilities.

A Utility provider 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.

VII. Fees.

The owner of a proposed manufactured home rental community shall submit the plat review and inspection fees as provided in Exhibit "A" attached.

VIII. Other Regulations

Persons developing Manufactured Home Communities should be aware that this Order is not the exclusive law or regulation controlling development in Henderson County. The following is only a partial list of regulations that may apply.

(A) Manufactured Home Subdivisions are subject to the Henderson County Subdivision Regulations. All Manufactured Home Communities are subject to county regulations of general applicability, such as the Nuisance Abatement Regulations.

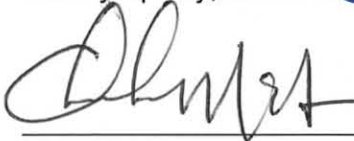
(B) If the Manufactured Home Community is located within the extraterritorial jurisdiction of a municipality, it is subject to certain municipal ordinances. For example, each Manufactured Home Subdivision must receive approval under the municipal subdivision ordinance before the plat may be recorded.

THIS INFRASTRUCTURE DEVELOPMENT PLAN FOR MANUFACTURED HOME, MOBILE HOME, TINY HOME AND RV RENTAL COMMUNITIES WERE READ AND PASSED by an affirmative vote of the Commissioners Court of Henderson County, Texas on the 9th Day of February, 2021


Wade McKinney, County Judge


Wendy Spivey, Commissioner Pct. 1


Scott Tuley, Commissioner Pct. 2


Chuck McHam, Commissioner Pct. 3


Mark Richardson, Commissioner Pct. 4

EXHIBIT "A"

**HENDERSON COUNTY MANUFACTURED
HOME RENTAL COMMUNITY FEES**

Fee Schedule and Payment Requirements

Preliminary infrastructure development plan (IDP) with no required flood plain review: (for example, an IDP with seven lots has An application fee of (\$850.00)	\$ 500.00 plus \$50.00 per lot
Preliminary IDP, with required flood plain review: (For example, an IDP with seven lots has an application fee of \$1350.00)	\$1,000.00 plus \$50.00 per lot
Upon Final Approval of IDP	\$300.00 Plus \$2.50 per LF Aggregate street length
Variance Request: (If variance is sought for more than one lot/ tract/ parcel, each lot/tract/parcel constitutes a separate request and, therefore, requires the appropriate application fee - for example, a request involving seven lots/tracts/parcels has an application fee of \$700.00)	\$100 per request
Revision or Amendment of IDP: (For example, a revision or amendment of a plan. involving seven Lots within the subdivision has an Application fee of \$270.00)	\$200.00 Plus \$10.00 per lot

The following forms of payment may be used to satisfy subdivision development application fees (for the exact amount only; no cash, please): • Personal Check (with Texas driver's license number shown, and made payable to Henderson County) • Business/Corporate Check (made payable to Henderson County) • Cashier's Check (made payable to Henderson County) • Money Order All fees are due at the County Clerk's Office at the time of plat submission at least 5 days prior to the

Commissioner's court date expected for review of the plat.