

**Order Establishing
Minimum Infrastructure Standards for
Manufactured Home Rental Communities
and Setting Out Regulations Applicable to Manufactured Home Rental Communities**

The Brewster 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 the County, and to ensure that the ultimate residents in manufactured home rental communities have adequate access, proper utilities and other health and safety assurances.

For purposes of this Order, 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, and as defined in § 232.007, Local Government Code, VTCA.

I. Procedures

For the purposes of this order, owner shall mean the owner of a proposed manufactured home rental community or the owner's designated representative. On or after the effective date of this order, all owners of proposed Manufactured Home Rental Communities except those set out in Part III of this order shall submit an infrastructure development plan to Commissioners Court which complies with the minimum infrastructure development standards adopted by this Commissioners Court.

A. Plan to be submitted - A manufactured home rental community infrastructure plan shall be submitted by filing an application as set out in Appendix A of this order, together with a copy of the proposed infrastructure plan with the Brewster County Clerk. One copy of the application shall also be submitted to the County Judge at the time of filing. The application to the Clerk shall be accompanied by a \$25 filing fee.

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 rights of way.

2. The plat shall be prepared substantially in accordance with the Final Plat Requirements of Brewster County as set out in Sections 4.6 - 4.8 of the

Subdivision Regulations of Brewster County, Texas adopted on April 12, 1999.

3. The infrastructure development plan shall also include written narrative which provides explanation as to how the owner proposes to satisfy the various requirements of the infrastructure development plan and this order.

B. Designated County Official - Brewster County designates the County Road and Bridge Superintendent as that County official responsible for approval or rejection of the manufactured home rental community plan. During review of the plan, the Road and Bridge Superintendent shall consult with the County Attorney, the County On Site Sewage Disposal Inspector and the Commissioner in whose precinct the proposed Manufactured Home Rental Community is located.

C. Time Limits for Approval - Not later than the 60th day after the date the owner of a proposed manufactured home submits an infrastructure development plan, the plan shall be approved or rejected by the Road and Bridge Superintendent. The Road and Bridge Superintendent shall notify the applicant of his determination in writing. If the plan is rejected, the Road and Bridge Superintendent shall specify the reasons for the rejection in his written determination.

D. Approval - Failure to reject the infrastructure plan by the Road and Bridge Superintendent within the 60 (sixty) days constitutes approval of the plan.

E. Construction Prohibited without Approved Plan - Construction of a proposed manufactured home rental community may not begin before the Road and Bridge Superintendent approves the proposed manufactured home rental community infrastructure plan.

F. Final Inspection - A final inspection of the manufactured housing rental community infrastructure upon its completion is required. Final inspection shall be made by the Road and Bridge Superintendent and the Commissioner in whose precinct the manufactured home rental community is situated. Final inspection shall be made prior to Commissioners Court's approval and issuance of a Certificate of Compliance. The Road and Bridge Superintendent shall make the final inspection, not later than the 2nd (second) business day after the Road and Bridge Superintendent receives written confirmation of completion from owner.

G. Certificate of Compliance by Commissioners Court - If the Road and Bridge Superintendent advises Commissioners Court that the infrastructure plan has been properly carried out, Commissioners Court shall issue a Certificate of Compliance not later than the 5th business day after the Road and Bridge Superintendent's final inspection is completed. Commissioners Court may delegate issuance of the Certificate of Compliance to the County Judge's office.

H. Corrective Action if Construction Not Approved - If the Road and Bridge Superintendent determines that the manufactured home rental communities infrastructure plan has not been properly carried out, then the owner shall be advised in writing and shall have thirty 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 order, before the owner is eligible to receive a Certificate of Compliance.

II. Minimum Standards for Plans

Brewster County adopts the following minimum standards for manufactured home rental community infrastructure and infrastructure plans. No Manufactured Home Community infrastructure plan shall be approved unless it complies with the following standards:

A. Roads and Streets

1. Road and street layout, width, design standards

a. Connections Required. The arrangement of roads in a manufactured housing rental community shall provide for the continuation of arterial roads. Provision for the continuation of collector roads between adjacent properties shall be provided when such continuation is necessary for convenient movement of traffic, effective fire protection or for efficient provision of utilities.

b. Street Hierarchy. The pattern of roads within a manufactured home rental community shall employ a hierarchy of road widths from arterials to collectors to local streets, reflective of the diminishing speed and volume of vehicular traffic, and reflective of the increasing need to provide access to residential lots. Local roads shall be laid out to discourage their use by through traffic while providing convenient and safe access to individual manufactured housing units.

c. Conformance to Topography. Roads and their construction shall be appropriate to the topography of the area. Roads shall be laid out and built so that, to the maximum extent possible, all building sites will be higher than the average elevation of the abutting road. Combinations of steep grades and curves are to be avoided.

d. Right-of-Way Widths. The minimum right-of-way widths in all manufactured home rental communities shall not be less than sixty feet (60') for local roads, seventy feet (70') for collector roads, or eighty feet (80') for arterial roads.

e. Traffic Surface Widths. The improved traffic surface of roads shall be

centered within the right-of-way, and shall have a minimum improved width of thirty feet (30') for local roads, forty feet (40') for collector roads, and fifty feet (50') for arterial roads.

f. Angle of Intersection. Roads shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new roads at an angle of less than seventy degrees (70°) shall not be acceptable. A road approaching another at an oblique angle should curve prior to its intersection and should intersect at right angles for a tangent distance of at least one hundred feet (100') therefrom. Not more than two (2) roads shall intersect at any one point unless specifically approved by the Road & Bridge Superintendent.

g. Intersection Approach Site Distance. A road may not intersect another road at a point where the sight distance is restricted to less than three hundred feet (300'), except by approval by the Road & Bridge Superintendent, after a traffic engineering investigation.

h. Street Off-sets. Proposed new intersections along one side of an existing road shall, wherever practicable, coincide with any existing intersections on the opposite side of such road. Road jogs with center-line offsets of less than one hundred and fifty feet (150') shall not be permitted.

i. Return Radii. Minimum return radii of road rights-of-way at intersections shall be twenty feet (20) and minimum radii of the traffic surface of intersecting roads shall be thirty-five feet (35').

j. Intersection Grades. Intersections shall be designed with a grade less than or equal to two percent (2%) wherever practical. In hilly or rolling areas, the approach grade to an intersection shall provide adequate sight distance in accordance with contemporary engineering practice.

k. Cul-de-sac Roads. When a road terminates in a cul-de-sac, the minimum right-of-way radius shall be fifty feet (50') and the maximum length shall be no more than seven hundred and fifty feet (750') long, unless topography, low densities, or other conditions, in the judgment of the Commissioners Court and upon recommendation of the Road & Bridge Superintendent, warrant an exception to this standard.

l. Road Surfacing and Improvements.

1. Roadways within manufactured home rental communities shall be constructed to the widths prescribed in this order. Road cross-sections shall provide for a crown or super-elevation of not less than two percent (2%), and swales or other similar measures shall be taken

to ensure proper drainage adjacent to the roadway.

2. All streets in a manufactured home rental community shall be paved with asphalt, concrete, or other approved paving materials. The following are minimum standards for asphalt and concrete paving:

a. Asphalt

- (1.) Asphalt emulsion - MS II
- (2.) Grade #4 Aggregate
- (3.) Asphalt must be seal coated within 90 days after application of the first coat

b. Concrete - Concrete paving standards will be established on a case by case basis, depending on terrain and anticipated traffic loads in a manufactured home rental community.

m. Roadway Plans and Profiles. Roads shall be designed in accordance with good engineering practice such that both their horizontal and vertical alignment provide adequate sight distance based on the anticipated speed of traffic. For all manufactured home rental communities, improvement plans for road construction shall show current topographic information with a minimum of two foot contour intervals based on field surveys or aerial photogrammetry.

n. Accommodation for Slopes. Slope easement or street right-of-way widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of a ratio of three to one (3:1), unless information is provided by a soils engineer indicating that the angle of repose of the soil may be steeper.

o. Improvements Required to Existing Roads. Wherever lots from manufactured home rental communities front on and gain access from existing roads, the Commissioners Court may require that such road frontage be improved in accordance with the Subdivision Regulations of Brewster County.

p. Frontage Required. Each lot in a manufactured home rental community shall abut on an existing external street or road or on an internal street meeting or exceeding the requirements of these specifications.

B. Easements

1. Utility Easements. Easements for utilities are required across parts of lots 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 manufactured home rental community approval. No manufactured home rental community infrastructure plan shall 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* - Other prior existing recorded easements in a manufactured home rental community shall be clearly identified in the infrastructure plan.

C. Drainage

No manufactured home rental community infrastructure plan shall 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 plans. No manufactured home rental community infrastructure plan will be allowed if it will result in an increase in the rate of flow of storm water and 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 a manufactured home rental community. The manufactured home rental community engineer shall calculate the potential runoff based on a 100 year return frequency storm. Both the peak flows and volumes of runoff will 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 one hundred year 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 plan until the applicant

makes provision to improve the off site drainage facility. If downstream drainage facilities are not available or are incapable of accommodating the increased storm water runoff, the Road & Bridge Superintendent may require storm water retention basins to prevent an increase in storm water runoff.

5. *Areas of Poor Drainage.* A manufactured home rental community infrastructure plan in an area which is subject to flooding may be approved by the Road and Bridge Superintendent and Commissioners Court, provided that the owner fills the affected area of said 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 Road and Bridge Superintendent and/or 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 plan, unless appropriate modifications are made to the proposed manufactured home rental community infrastructure 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 housing rental community infrastructure plan.

7. *Prohibition Against Removal of Soil Erosion and Flood Control Structures* - Where there are existing spreader dams, tanks or other soil erosion or flood control structures on property to be included in a manufactured home rental community infrastructure 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 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 County Road & Bridge Superintendent and approved by Commissioners Court.

D. Street Names and Signs

1. Street names

New streets and roads in manufactured home rental communities shall be named so as to provide continuity of name with existing streets and so as to prevent conflict with identical or similar street and road names in other parts of Brewster County. Street names for new manufactured home rental community streets may be suggested by the owner. Street names shall be reasonable and not similar to existing names of streets and roads in Brewster

County. Suggested names shall be submitted to the County Road & Bridge Superintendent for approval as a part of the proposed manufactured home rental community infrastructure plan.

2. *Street and Road Name Signs 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 Brewster County. Final approval of construction will not be given by Commissioners Court until signs are installed.

3. *Street and Road Name Sign* - Street and road name signs shall be of the same standard and quality as required in the **Subdivision Regulations** of Brewster County, adopted on April 12, 1999.

4. *Placement* - Street and road name sign assembly will be placed on a post and located two feet (2') behind the curb on curbed roadways, or six (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. 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 TNRCC.

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 of these rules due to the negligence of the manufactured home rental community owner does not constitute an emergency.

2. Organized Sewage Facilities

a. The owners of manufactured home rental community who propose the development of an organized wastewater collection and treatment system must obtain a permit to dispose of wastes in accordance with 31 TAC Chapter 305 "Consolidated Permits" and obtain approval of engineering planning materials for such systems under 31 TAC Chapter 317 "Design Criteria for Sewerage Systems" from TNRCC.

b. Owners of manufactured home rental communities who propose to dispose of wastewater by connecting to an existing permitted facility must provide a written

agreement with the permittee as part of the manufactured home rental community infrastructure plan.

c. Owners of manufactured home rental communities who propose to utilize on site sewage disposal shall comply with all On Site Sewage Regulations of Brewster County and the State of Texas, as adopted on January 27, 1998.

d. In addition to the unsatisfactory on-site disposal systems listed in 25 TAC 301.16, pit privies and portable toilets are not acceptable waste disposal systems for a manufactured home rental community.

III. Exemptions

A. Low Density Manufactured Home Rental Community Exemptions - These regulations do not apply to low density manufactured home rental tracts. Low density manufactured home rental communities are those in which each individual manufactured home is situated on a lot or tract 1 (one) acre 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.

B. Small Manufactured Home Rental Community Exemption - These regulations do not apply to manufactured housing rental communities containing four (4) or fewer manufactured housing rental units.

IV. Variances and Exceptions

A. General - The Commissioners Court of Brewster County recognizes that there are vast differences in terrain and population density in Brewster 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 findings 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 are 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 in the Commissioners Court. Requests for variances shall be filed at the time of application and may be taken up at only posted meetings of Commissioners Court while the application is pending.

V. Applicability

A. Effective Date - This order is effective upon the date of final approval by Commissioners Court.

B. Date Construction Commenced - This order applies only to a manufactured home rental community for which construction is commenced on or after the date infrastructure standards are adopted by this Commissioners Court.

C. Expansion of Existing Manufactured Home Community Rentals - These regulations are applicable to any expansion of existing manufactured home rental communities after the effective date of these regulations.

D. Applicable Outside City Limits - These regulations are applicable in Brewster County outside the city limits of any incorporated city.

VI. Interpretation - Conflict, Severability, Savings and Amendments

A. Interpretation - In their interpretation and application, the provisions of these Regulations shall be held to be minimum requirements for the promotion of the public health, safety, and general welfare. These Regulations shall be construed broadly to promote the purposes for which they are adopted.

B. Public Provisions - These Regulations are not intended to interfere with, abrogate, or annul any other County regulation, state statute, or other provision of law except as provided in these Regulations. Where any provision of these Regulations or any other rule or regulation or other provision of law are in conflict, the provision which is more restrictive or imposes higher standards shall control.

C. Private Provisions - These Regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions

of these Regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these Regulations shall govern.

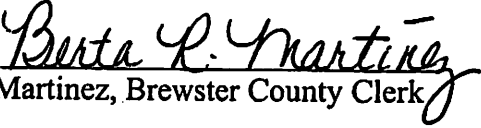
D. Severability - If any part or provision of these Regulations, or the application of these Regulations to any person or circumstance is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these Regulations or application of them to other persons or circumstances. The Commissioners Court hereby declares that it would have enacted the remainder of these Regulations, even without any such part, provision, or application which is judged to be invalid.

E. Saving Provision - These Regulations 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 County under any section or provision existing at the time of adoption of these Regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation by lawful action of the County except as shall be expressly provided for in these Regulations.

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 Regulations at a public meeting following public notice in the manner prescribed by law.

Adopted and finally approved by unanimous vote of Brewster County Commissioners Court, in regular session, on this the 10th day of January, 2000.


Val Clark Beard
Brewster County Judge

Attest: 
Berta Martinez, Brewster County Clerk

2 relating to requiring manufactured home rental communities to
3 comply with county infrastructure regulations.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 232.007, Local Government Code, is
6 amended by amending Subsection (a) and adding Subsections (c)
7 through (h) to read as follows:

8 (a) In this section:

9 (1) "Manufactured[~~,~~"manufactured] home rental
10 community" means a plot or tract of land that is separated into two
11 or more spaces or lots that are rented, leased, or offered for rent
12 or lease, for a term of less than 60 months without a purchase
13 option, for the installation of manufactured homes for use and
14 occupancy as residences.

15 (2) "Business day" means a day other than a Saturday,
16 Sunday, or holiday recognized by this state.

17 (c) After a public hearing and after notice is published in
18 a newspaper of general circulation in the county, the commissioners
19 court of a county, by order adopted and entered in the minutes of
20 the commissioners court, may establish minimum infrastructure
21 standards for manufactured home rental communities located in the
22 county outside the limits of a municipality. The minimum standards
23 may include only:

24 (1) reasonable specifications to provide adequate

1 drainage in accordance with standard engineering practices,
2 including specifying necessary drainage culverts and identifying
3 areas included in the 100-year flood plain:

4 (2) reasonable specifications for providing an
5 adequate public or community water supply, including specifying the
6 location of supply lines, in accordance with Subchapter C, Chapter
7 341, Health and Safety Code;

8 (3) reasonable requirements for providing access to
9 sanitary sewer lines, including specifying the location of sanitary
10 sewer lines, or providing adequate on-site sewage facilities in
11 accordance with Chapter 366, Health and Safety Code;

12 (4) a requirement for the preparation of a survey
13 identifying the proposed manufactured home rental community
14 boundaries and any significant features of the community, including
15 the proposed location of manufactured home rental community spaces,
16 utility easements, and dedications of rights-of-way; and

17 (5) reasonable specifications for streets or roads in
18 the manufactured rental home community to provide ingress and
19 egress access for fire and emergency vehicles.

20 (d) The commissioners court may not adopt minimum
21 infrastructure standards that are more stringent than requirements
22 adopted by the commissioners court for subdivisions. The
23 commissioners court may only adopt minimum infrastructure standards
24 for ingress and egress access by fire and emergency vehicles that
25 are reasonably necessary.

26 (e) If the commissioners court adopts minimum infrastructure
27 standards for manufactured home rental communities, the owner of

1 land located outside the limits of a municipality who intends to
2 use the land for a manufactured home rental community must have an
3 infrastructure development plan prepared that complies with the
4 minimum infrastructure standards adopted by the commissioners court
5 under Subsection (c).

6 (f) Not later than the 60th day after the date the owner of
7 a proposed manufactured home rental community submits an
8 infrastructure development plan for approval, the county engineer
9 or another person designated by the commissioners court shall
10 approve or reject the plan in writing. If the plan is rejected,
11 the written rejection must specify the reasons for the rejection
12 and the actions required for approval of the plan. The failure to
13 reject a plan within the period prescribed by this subsection
14 constitutes approval of the plan.

15 (g) Construction of a proposed manufactured home rental
16 community may not begin before the date the county engineer or
17 another person designated by the commissioners court approves the
18 infrastructure development plan. The commissioners court may
19 require inspection of the infrastructure during or on completion of
20 its construction. If a final inspection is required, the final
21 inspection must be completed not later than the second business day
22 after the date the commissioners court or the person designated by
23 the commissioners court receives a written confirmation from the
24 owner that the construction of the infrastructure is complete. If
25 the inspector determines that the infrastructure complies with the
26 infrastructure development plan, the commissioners court shall
27 issue a certificate of compliance not later than the fifth business

1 day after the date the final inspection is completed. If a final
2 inspection is not required, the commissioners court shall issue a
3 certificate of compliance not later than the fifth business day
4 after the date the commissioners court or the person designated by
5 the commissioners court receives written certification from the
6 owner that construction of the infrastructure has been completed in
7 compliance with the infrastructure development plan.

8 (h) A utility may not provide utility services, including
9 water, sewer, gas, and electric services, to a manufactured home
10 rental community subject to an infrastructure development plan or
11 to a manufactured home in the community unless the owner provides
12 the utility with a copy of the certificate of compliance issued
13 under Subsection (g). This subsection applies only to:

14 (1) a municipality that provides utility services;

15 (2) a municipally owned or municipally operated
16 utility that provides utility services;

17 (3) a public utility that provides utility services;

18 (4) a nonprofit water supply or sewer service
19 corporation organized and operating under Chapter 67, Water Code,
20 that provides utility services;

21 (5) a county that provides utility services; and

22 (6) a special district or authority created by state
23 law that provides utility services.

24 SECTION 2. The change in law made by this Act applies only
25 to a manufactured rental home community for which construction is
26 commenced on or after the date minimum infrastructure standards
27 adopted by the commissioners court as provided by Section 232.007,