



PLANNING DEPARTMENT

County Of Hidalgo

Raul E. Sesin, P.E., CFM
PLANNING ADMINISTRATOR

MEMORANDUM

To: Honorable Judge Juan D. Salinas III
Honorable Commissioner Sylvia Handy
Honorable Commissioner Hector "Tito" Palacios
Honorable Commissioner Joe M. Flores
Honorable Commissioner Oscar L. Garza, Jr.

From: Raul E. Sesin, P.E., CFM, Planning Administrator

Date: October 2, 2007

RE: Establishing County Policy for Utility Clearances on tracts of land that are 10 acres or greater

Cc: Stephen L. Crane, Atlas & Hall, LLP, Legal Counsel
T.J. Arredondo, Planning Supervisor

Our office has been presented with several requests for electrical service for properties that are ten acres in size or larger. These properties are questionable as far as the type of use intended for them because of the size aspect. The law requires that properties being sold for residential purposes have water and sewer paid for by the sellers. The law automatically presumes that a lot is residential in nature if the tract is five acres or less in size.

Our department has maintained a policy of providing electrical clearances for the aforementioned type of properties on a case by case basis by evaluating how and when the division was created and whether or not basic services are available to said property. Our understanding and definition of basic services are to have available Water Facilities, Wastewater Disposal Systems, Electrical Services, Public and/or Private Access, and compliance with the County's Floodplain Order when located within a designated flood zone as per the Federal Emergency Management Agency floodplain maps.

Water facilities are defined as public water systems and non-public water systems (water wells). A person may comply with our policy by connecting to an existing public water system or installing water wells. The water quality of the water produced from test wells must meet the standards of water quality required for community water systems as set forth in 30 TAC §§290.104, 290.106, 290.108 and 290.109, either (1) without any treatment to the water; or (2) with treatment by an identified and commercially available water treatment system.

Wastewater disposal is defined as organized sewerage facilities and On-site sewerage facilities (OSSF). A person may comply with our policy by connecting to an existing organized sewerage system or installing an OSSF in accordance with our County Order for OSSF and 30 TAC Chapter 285.

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Public and/or Private access, for our purpose, is defined as a roadway that has been established via a recorded subdivision plat and/or has been established prior to the adoption of our rules. The creation of new rods after the effective date of our rules, whether public or private, without the preparation of a subdivision plat would not meet our policy requirements.

We would like to establish this policy officially by Commissioner's Court action. Therefore, I will be presenting this item for discussion and possible action at the next Commissioner's Court meeting. I will be requesting guidance from legal counsel on this matter and will make any potential adjustments to our policy prior to the meeting.

Thank you in advance for your consideration. If you should have any questions please contact me at 956-318-2840 or 956-239-2105.

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