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Jane Jones, County Clerk  
DELTA COUNTY, TEXAS

# Delta County Subdivision Regulations

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**Delta County Subdivision Regulations**

**SECTION I  
Authority**

These regulations are adopted under the authority of the Constitution and the laws governing the State of Texas.

**SECTION II  
Purpose**

On 12-11-17 the Delta County Commissioners Court approved the adoption of subdivision regulations recognizing that public necessity required the Court to encourage quality growth and development in ways to protect the health, safety, and economic wellbeing of current and future land owners and residents of Delta County, Texas.

On 12-11-17 the Delta County Commissioners Court finds that it is in the best interest of the residents of Delta County to adopt the following updated regulations, known as the Delta County Subdivision Regulations, pursuant to the Texas Local Government Code Chapter 232 and 233, and other state law. They have been prepared with the following purpose:

1. These regulations are to promote and provide for the health, safety, morals, and general welfare of the county, and the safe, orderly, and healthful development of the land in unincorporated areas of Delta County, Texas.
2. These regulations are to ensure the establishment of rules and guidelines for the subdivision of property, and to ensure that newly created parcels of land conform to legal statutes.
3. These regulations are intended to prevent Delta County from being burdened with substandard streets and roadways in the future, thereby protecting the taxpayers from unnecessary maintenance costs.
4. These regulations are to ensure that the residents of Delta County receive from developers the necessary services for the supply of water, and that new development will be served by adequate sewage treatment systems and drainage facilities.
5. These regulations are intended to provide information to the developer, and assist in the preparation of plats and approvals of future development.

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Delta County Subdivision Regulations

**SECTION III**  
**Definitions**

**ALLEY** – a minor public right-of-way which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a Street and not intended to provide the primary means of access to abutting lots.

**BUILDING or SETBACK LINE** – a line established, in general, parallel to the front street line. No building or structure shall be permitted in the area between the building line and the street right of way.

**COMMERCIAL PROPERTY** – real estate that includes income-producing property, such as residential rentals, office buildings, restaurants, shopping centers, hotels, industrial parks, warehouses, and factories and/or is zoned for business or industrial use.

**COMMERCIAL or INSTITUTIONAL FACILITY** – any building that is not utilized as a single family dwelling.

**COMMISSIONERS COURT** – the Delta County Commissioners Court.

**COMMUNICATIONS SERVICE PROVIDER or CSP** - a service provider that transports information electronically, for example a telecommunications service provider. The term encompasses public and private companies in the telecom (landline and wireless), Internet, cable, satellite, and managed services businesses.

**COUNTY WASTE WATER ORDER** – a waste water order officially adopted by Delta County in accordance with authorizing statutes.

**COUNTY FLOODPLAIN REGULATIONS** – a floodplain management regulation adopted by Delta County in accordance with authorizing statutes.

**CUL-DE-SAC** – a street or road having one outlet to another street with a vehicular turnaround at the remaining end.

**DEVELOPER** – any owner of property who wishes to divide it into two or more smaller tracts, including persons, corporations, organizations, estates, trusts, partnerships, agents, associates, and other entities which under take the activities covered by these regulations.

**DRAINAGE PLAN** – calculations and drawings showing the existing watershed characteristics and site water flow conditions, and the effects the proposed subdivision will have onsite and offsite to adjacent and surrounding land.

**EASEMENT** – a right given by the owner of a parcel of land to another person, public agency, or private corporation for specific and limited use oloof that parcel.

**ENGINEER** – any person registered and currently licensed to practice engineering by the Texas State Board of Registration for Professional Engineers.

**EXCEPTION** – a variation or deviation from approved standards, rules, regulations.

**EXTRATERRITORIAL JURISDICTION (ETJ)** – that area outside of, but adjacent and contiguous to, the corporate limits of any city recognized by state statute as the area a city, based on population, could enforce its' own subdivision rules and regulations upon.

**FLOOD INSURANCE RATE MAP** – an official map of a community, on which the Federal Emergency Management Administration (FEMA) has delineated both the areas of special flood hazards and the risk premium zones applicable to a community.

**FLOODPLAIN** – Generally, any land area susceptible to being inundated by floodwaters. Specifically, the relatively flat or lowland area adjoining a river, stream, watercourse, lake, or other body of standing water, which has been or may be covered temporarily by flood water. Floodplains are typically assigned a recurrence interval (i.e., the 100-year floodplain) which defines the magnitude of the flood event that causes the inundation. The 100-year floodplain is the area subject to flood for the 100-year flood.

**100-YEAR FLOODPLAIN** – any area susceptible to inundation by flood waters from any source and subject to the statistical 100-year (has a 1% chance of flooding in any given year).

**FLOODWAY** – the channel of a river or other watercourse, and the adjacent areas, within a portion of the 100-year floodplain, that must be preserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot above the 100-year flood elevation before encroachment in the 100-year floodplain.

**INSPECTION PERSONNEL** – any person designated by the Delta County Commissioners Court to perform inspections under the requirements of the Delta County Subdivision Regulations.

**LIEN HOLDER** – person or entity holding, or benefiting from holding, the right to sell the property of a debtor as security for payment of a debt.

**LIEN HOLDER'S CONSENT** – express approval or acceptance of what is planned, or done, by another from the person or entity holding, or benefiting from holding, the right to sell the property of a debtor as security for payment of a debt.

**LOT** – a distinct and separate tract or parcel of land being a part of a larger tract of land and having frontage on a street or road which is then, or in the future may be, offered for sale, conveyance, transfer, or improved separately from the remainder of any part of the larger tract, and generally intended to be occupied by one building or a group of buildings.

LOT, FLAG-SHAPED OR PANHANDLE – “Panhandle” or “flag-shaped lot” means an irregularly shaped lot designed to provide a minimum avenue of road access while allowing other Lots to be stacked around it creating a narrow strip of land connecting the principal building site to a public street so that the result is a Lot often shaped something like a flag with a “flag pole” of access stretching out to the nearest road.

MANUFACTURED HOME RENTAL COMMUNITY (MHRC) – 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.

ON-SITE SEWAGE FACILITY (OSSF) – all systems and methods used for the disposal of sewage and wastewater on a specific site other than an organized disposal system operated under a valid TCEQ permit.

ON-SITE SEWAGE FACILITY ZONE (OSSFZ) - zone identified for OSSF system. This area is to meet TCEQ OSSF TAC chapter 287, Table 10 separation distances. Shall not contain floodplain, structures on any other barriers that would hinder or prohibit proper function of the system.

OWNER – the owner of real property subject to a proposed or existing subdivision.

PAVEMENT WIDTH – the portion of a street or road with an improved surface intended for vehicular traffic, but not to include shoulders, parkways, ditches, or similar parts of a right of way not intended or used for vehicular traffic.

PLAT – a map depicting the division or subdivisions of land into, lots, blocks, parcels, tracts, or other portions. A re-plat will be considered a plat.

PLAT, PRELIMINARY – one or more drawings showing the physical conditions of a tract of land and the surrounding area intended to be subdivided. This plat shall show the developer’s intended development program in order to assure that all regulations are complied with.

PLAT, FINAL – a map or drawing and any accompanying material of a proposed land subdivision prepared in a form suitable for filing in the County records and prepared as described in these Regulations.

PLAT, SHORT PLAT PROCEDURE – a review process for a plat containing lots with frontage on an existing street or road of required right of way width, and not requiring any additional streets, roads, or other public easements in order to comply with these regulations. Land or surrounding lands that, due to topography and/or location, are deemed to require submission of a drainage plan will NOT be subdivided as a short plat.

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## Delta County Subdivision Regulations

**PRESCRIPTIVE ROAD or RIGHT OF WAY** – a road or right of way that becomes a county maintained road or right of way by means of continuous public use and County maintenance over a statutorily defined time period.

**REGULATIONS** – refers to the Delta County Subdivision Regulations.

**REPLAT** – any map, drawing, or plan to show further subdivision or revision of any part of a previously platted subdivision, addition, lot, tract, or parcel of land which had been recorded of record in the County plat records and which may be in either preliminary or final plat form.

**RIGHT OF WAY** – generally, the entire platted, deeded, or dedicated public street or alley which exists between two property lines, whether improved or not, but may also refer to any other public way or portion thereof. In some instances, the term “right of way” may describe property for public use through prescriptive rights as identified or limited by legal precedent in the State of Texas.

**SHALL** – mandatory and not discretionary.

**SINGLE FAMILY DWELLING** – a structure that is either built on, or brought to, the development site for use as a residence for one family.

**SPECIAL FLOOD HAZARD AREA (SFHA)** – the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year according to the Flood Insurance Rate Map.

**25-YEAR STORM FREQUENCY** - A storm event with a four (4) percent chance of being equaled or exceeded in any given year. Defined in general to be 5.5 inches in 24 hours.

**STREET or ROAD, PUBLIC** – any area, parcel, or strip of land which provides vehicular access to adjacent property or land whether designated as a street, road, avenue, lane, thoroughfare, boulevard, place, drive, court, loop, or however otherwise designated, and which is either dedicated or granted for public purposes or acquired for public use by prescription. (Not all Public Road are County Roads nor are they all maintained by the County. See Definition of Street or Road, County)

**STREET or ROAD, BOUNDARY/BORDER** – a street or road which either exists or will be created wherein a subdivision as herein defined is partially bounded on one or more sides by such street or road and/or where this type of street has or will have a common frontage along adjoining property which is not a part of the land being considered for platting or subdivisions.

**STREET, COLLECTOR** – a street or road which connects thoroughfare or arterial streets with local streets.

**STREET, COUNTY (ROAD)** – a public street or road which has been accepted for maintenance purposes by the Delta County Commissioners Court, whether acquired by prescription, dedication, or statutory means, or originally constructed by the County. The term “street” and “road” are used interchangeably for the purpose of these regulations.

**STREET, LOCAL** – a street or road that primarily provides direct access to lots within a subdivision.

**STREET, PRIVATE** – a road or street that has not been accepted by the Delta County Commissioners Court for maintenance. Some private roads may have been dedicated to the public (see definition of Street or Road, Public). Others may not be dedicated to the public and are under private ownership. In either case, the County is not responsible for maintenance.

**STREET, ARTERY** – a street or road that will serve vehicular traffic beyond the limits of the subdivision, connecting subdivisions with commercial or retail areas, schools, different cities or remote areas or which serves as a principal connecting street with State or Federal highways, farm to market roads or major thoroughfares shown or projected on current transportation plans of the Texas Department of Transportation.

**SUBDIVIDER** – any person, firm, corporation, partnership, association, or any similar individual or group of agents thereof, who divide or propose to divide land so as to constitute a subdivision, whether or not the individual or group is also a developer of the subdivision.

**SUBDIVISION** – the division of any tract or parcel of land into two or more parts to lay out any division of the tract, including an addition, lots, or streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to the public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alleys, squares, parks, or other parts. A division includes a division using metes and bounds description in a deed of conveyance or in a contract for deed, by using a contract for sale or other executory contract to convey, or by using any other method.

**SURVEYOR** – a person licensed to practice surveying by the Texas Board of Professional Land Surveying.

**TCEQ** – the the Texas Commission on Environmental Quality – an environmental agency for the State of Texas.

**TRACT, PARENT** – the original land tract owned by the developer prior to any subdivision.

**TRACT, DAUGHTER** – any of the tracts created by the subdivision of a parent tract and including the remaining part of the parent tract.



**SECTION IV  
Grandfather Clause**

Requirements changed or added to this version of the Subdivision Regulations are not applicable to developments approved by the Delta County Commissioners' Court prior to the date the Court adopts the Regulations.

**SECTION V  
Platting Procedure**

1. Plat Required. The owner of a tract of land located within Delta County, and outside the limits of an incorporated municipality, MUST have a plat of the subdivision prepared if the owner divides a tract into two or more parts to lay out:
  - A. a subdivision of the tract, including an addition;
  - B. lots; or
  - C. streets, alleys, squares, parks or other parts of the tract intended to be dedicated public use, or for the purchasers or owners of lots fronting on or adjacent to the streets, squares, parks, or other parts.
2. A division of a tract under Section IV(1) includes a division regardless of whether it is made by using a metes and bounds description in a deed conveyance, or in contract for a deed, or by using a contract of sale, or other executory contract to convey, or by the use of any other method.
3. The only exceptions to the requirement that a plat be prepared shall be those provided in the Texas Local Government Code 232.0015, Subsection (c), as modified by Subsection (d), or as stated in Texas Local Government Code 232.0015, Subsections (e), (f), (g), (h), (i), (j), and (k). The exceptions are outlined in Section VII of these Regulations.
4. Persons subdividing land in the unincorporated portions of Delta County shall comply with this Section for plat approval. No grading of streets/roads or the sale of lots shall commence, nor shall any other associated construction be accomplished by the owner/developer upon land being subdivided prior to final plat approval, except by written authorization of the Commissioners Court. Approval from the Delta County Commissioners Court is required before recording a final plat.
5. Preliminary Conference – at least ten (10) days prior to any subdivision of land and official submittal of a plat for review, it is required that the owner/developer or owner's agent schedule a meeting with the Delta County Commissioner with precinct jurisdiction over the proposed subdivision. The owner or agent shall present a preliminary plat to show the street alignment and lot layout. The Commissioner will advise the owner/agent of any necessary corrections for official submittal of the plat to the Commissioners Court for approval.

6. Preliminary Plats:

- A. The submission of a Preliminary Plat is necessary to:
  - 1) eliminate the duplication of subdivision names and street names;
  - 2) assure proper alignments of streets and drainage facilities;
  - 3) assure that the provisions of the Floodplain Regulations will be complied with, and that no lot will have a drainage problem;
  - 4) assure that the provisions of the Sewage Regulations will be complied with;
  - 5) assure that all necessary permits or plan approvals have been or will be procured;
- B. The owner/agent shall submit seven (7) copies of a preliminary plat, a plat application form, required supporting documents, and applicable plat review fees to the Delta County Commissioners Court and/or the administrative assistant to the Court.
- C. In no event shall a Preliminary Plat be submitted to the Commissioners Court later than ten (10) days before the meeting at which the approval of the Delta County Commissioners Court is requested. Unless the Commissioners Court takes opposing action, the Preliminary Plat will remain valid for a period of twelve (12) months from the date it is submitted, after which time it will automatically become void. (note: all fees on a voided plat are non-refundable)
- D. The owner/agent shall forward deliver a copy of the plat to the local septic inspector who will review the plat for compliance with sewage disposal regulations prior to presenting the plat to the Court for preliminary approval.
- E. The owner/agent shall forward deliver a copy of the plat to the Delta County Emergency Management Coordinator/Delta County Fire Department who will review the plat for compliance with Delta County 911 addressing requirements prior to presenting the plat to the Court for preliminary approval. The physical 911 address will be assigned by ATCOG 911 Rural Addressing services.
- F. After review, the Commissioner with precinct jurisdiction will notify the owner/agent in writing of any necessary corrections to the plat. Such notification shall be made within ten (10) business days of official receipt of the preliminary plat.

- G. The owner/agent will obtain approval from the Commissioner with precinct jurisdiction to place the plat on the next Commissioners Court Agenda. The Commissioners Court will consider approval of the Preliminary Plat. This approval shall be required before the owner can proceed with Final Plat submittal and approval. The Commissioner with precinct jurisdiction or his designee shall provide written notification to the owner/agent of the Commissioners Court action within five (5) business days of the hearing.
- H. If the property is located within the extraterritorial jurisdiction of a municipality, the developer shall be responsible for complying with the applicable regulations of the controlling entity, and/or per the provisions of any applicable the inter-local agreement. Generally, in cases where the County and municipality have regulations that differ, the more restrictive regulation will take precedent and be enforced.
- I. Preliminary Plat approval by the Delta County Commissioners Court does not constitute acceptance of the subdivision. It only authorizes the owner to proceed with preparation of the Final Plat. No grading of streets or construction is authorized in the subdivision before approval of the Final Plat by the Delta County Commissioners Court, except as otherwise approved by the Court. Approval of a Preliminary Plat is valid for twelve (12) months. If a Final Plat is not approved within that period of time, the owner/agent will submit a new Preliminary Plat with all applicable fees and supporting documents for approval.
- J. Every Preliminary Plat submission shall include the following:
  - 1) Preliminary Plats shall be drawn on a 24" X 36" sheet, scale not to exceed 1" = 200'.
  - 2) Name, address, and telephone number of the owner, surveyor, and/or engineer.
  - 3) The seal and signature of the surveyor and/or engineer responsible for the preparation of the plat.
  - 4) The proposed name of the subdivision and the names, locations, width, and dimensions of all proposed and existing streets, alleys, easements, parks and other public places, lot lines, and proposed land uses. No proposed name shall conflict with any other subdivision or street in Delta County, or any other adjacent subdivision.
  - 5) The location of the existing boundary lines of the subdivision and total acreage including the estimated acreage of each lot.

- 6) On plats of less than one point five acres (1.5), all pad and building sites for each lot will also be shown on plat.
- 7) A vicinity map showing the subdivision location within the County and the relationship to the nearest existing roads and municipality.
- 8) The date the plat was prepared.
- 9) Scale, and North directional arrow.
- 10) The location of the 100-year floodplain, as defined by any adopted FEMA maps, if applicable, and the identification of all lots, or any part of a lot, that is located within the 100-year floodplain. For subdivisions containing a floodplain, a note on the plat stating the following is required:

"A Floodplain Development Permit will be required from Delta County prior to any construction within the floodplain."

The finished floor elevations must be shown for each lot located in the floodplain at two (2) feet above the Basic Flood Elevation (BFE). If no part of the subdivision lies within the 100-year floodplain, then it shall be so noted.

- 11) The preliminary plat shall include a drainage plan prepared by a Texas Licensed Professional Engineer. The preliminary plat shall show the 100-year flood plain elevation and boundaries, if required by the Commissioners' Court, existing bridges, culverts and other drainage structures, and physical features of the property related to street and lot drainage and layout. The drainage plan shall show existing drainage areas upstream and downstream including drainage calculations determining the quantity to run off coming by means of land, entering, crossing and exiting the proposed subdivision. The drainage calculations shall be sufficiently detailed to determine changes in the 100-year flood plain elevation, water discharge and velocities within the subdivision and upstream and downstream of the subdivision, and Pre- and Post- construction runoff values and means of mitigating any increased runoff.
- 12) Topography of the development shall be shown on the preliminary plat. **Pre and post construction contour intervals will be shown for assessment and determination of proper drainage requirements.** The intervals will be as follows: 1) Land with **less** than five percent (5%) overall slope, the contour interval shall not be greater than two (2) feet. 2) Land with **more** than five percent (5%) slope, the contour interval shall not be greater than five (5) feet.

- 13) The name of all adjacent property owners with the volume and page of recordation, and any adjacent subdivisions and streets including how the streets in the proposed subdivision may connect with other streets in the area.
- 14) Description, location, and dimensions of any and all proposed and existing utility, drainage, and pipeline easements within and adjacent to the proposed subdivision with applicable recordation shall be visible and apparent. Enclosed pipe requires a minimum 20' easement width. All easements shall be so designed to allow maintenance equipment to enter the easement, and be able to perform the necessary work.
- 15) All maintenance responsibilities, whether private or by Delta County, shall be noted on the plat.
- 16) Preliminary water and sewer plans, if applicable.
- 17) The name of the water, sewer, communication service provider telephone, and electric utility companies providing service to the subdivision shall be noted on the plat. A statement shall be provided if sewage disposal is by individual on-site sewage facilities and/or water service by individual wells.
- 18) A certification letter from the water, sewer, communication service provider telephone, and electric utility companies guaranteeing their intent to provide service to the proposed subdivision, and providing a time frame and cost estimate for the establishment of these services when applicable.
- 19) For subdivision proposing to use on-site septic systems for sewage treatment, a Development Plan suitability study shall be performed on the property, and the study shall be submitted with the Preliminary Plat. The purpose of the study is to verify that all of the proposed lots in the subdivision will comply with the Delta County regulations for on-site sewage facilities. The individual or company performing the study must be qualified to perform site evaluations under the rules for on-site sewage facilities. The minimum lot size is one acre per lot pursuant to the Delta County On-Site Sewage Facility Regulations. *Lots utilizing on-site sewage facilities shall provide for a minimum of one (1) acre USEABLE surface area. This area excludes ponds/lakes and easements provided one half (0.5) of one acre of the property is dedicated by deed and plated as "On Site sewage Facility Zone (OSSF).*

- 20) For subdivisions with the minimum 1 acre lot size all septic disposal field sites will be noted as no build sites on plat.
  - 21) For subdivisions proposing individual water wells for water service, an engineer's report shall be required to certify that an adequate supply of groundwater exists to serve the proposed subdivision. The report shall also clearly illustrate any existing septic systems within 200' of the proposed subdivision.
  - 22) If the proposed subdivision is a portion of a larger tract, which will be subdivided later, a master plan of the subdivision in its' entirety shall be submitted with the Preliminary Plat of the first proposed subdivision.
  - 23) Delta County reserves the right to use and require submittal of additional forms, contracts, plans, certifications, and any other supplementary documents deemed necessary for the enforcement of these Regulations.
7. Final Plat Procedure and Submission – the Final Plat procedure will be the same as that for the Preliminary Plat except as noted in this Section. Approval of the Preliminary Plat is required prior to submitting a Final Plat. The Commissioners Court must approve the Final Plat and the plat must be recorded before the lots are sold. The Commissioner with precinct jurisdiction will provide written notification of the Commissioners Court action to the owner/agent. The Final Plat shall be recorded with the County Clerk within ninety (90) days of Commissioners Court approval. A single ninety (90) day extension may be granted by the Court by official action. Final Plat approval does not include acceptance of streets or /roads by the County for maintenance purposes. Street and /road acceptance for future maintenance purposes may be accomplished only by separate official action is by separate action of the Commissioners Court.
- A. Final Plats shall contain and be accompanied by the following information:
- 1) Final Plats will be drawn on 18" X 24" sheets at a scale not to exceed 1" = 200'. Seven (7) blue line copies of the Final Plat together with two (2) mylar sheet copies are required.
  - 2) Final Plats will show the information required by this section, and as approved the Commissioners Court for the Preliminary Plat, except Section IV, Subsection J (11).
  - 3) A completed application form, and the appropriate plat review fees.
  - 4) Two (2) sets of construction plans sealed by a licensed engineer.

- 5) Cost documents prepared by the owner's engineer or contractor for the construction of streets, drainage structures, utilities, and all other improvements.
- 6) Construction bonds for street and drainage improvements.
- 7) An original tax certificate from the Tax Collector of each political subdivision in which the property is located to certify that no delinquent taxes are due on the proposed subdivision.
- 8) A space for approval of the Commissioners Court, the County Clerk to file the plat for record, as well as authority for onsite sewer facilities. See Appendix B.
- 9) A dedication, by the owner, of all streets, roadways, alleys, utility easements, and other land intended for public use, and the owners' certification that all parties with any interest in the title to the subject property have joined in such dedication, duly executed, acknowledged, and sworn to by said owner before a notary public.
- 10) The following statement shall appear on any plat containing private streets, drives, emergency access easements, recreation areas, and open spaces:

NOTE: All private roads (drives and streets) will shall be signed designated as such with signage which in a manner that indicates each road's its' private status.

DELTA COUNTY SHALL NOT BE RESPONSIBLE FOR MAINTENANCE OF PRIVATE STREETS, DRIVES, EMERGENCY ACCESS EASEMENTS, RECREATION AREAS, AND OPEN SPACES; AND, THE OWNERS OF SUCH PRIVATE THOROUGHFARES AND AREAS SHALL BE RESPONSIBLE FOR THEIR MAINTENANCE; OF PRIVATE STREETS, DRIVES, EMERGENCY ACCESS EASEMENTS, RECREATION AREAS, AND OPEN SPACES, AND SAID OWNERS AGREE TO INDEMNIFY AND HOLD SAVE HARMLESS DELTA COUNTY FROM ALL CLAIMS, DAMAGES, AND LOSSES ARISING OUT OF OR RESULTING FROM THE PERFORMANCE OF THE OBLIGATIONS OF SAID OWNERS SET FORTH IN THIS PARAGRAPH.

- 11) A space for approval of a municipality exercising its' extraterritorial jurisdictional authority.
- 12) The seal and signature of the surveyor or engineer responsible for preparation of the plat, and the date the plat was prepared.

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- 13) A legal description of the property and location with respect to an original corner of the parent tract. Total acreage shall be noted.
- 14) The number of all lots and blocks arranged in a systematic order. The names of all streets. The curves on all streets, blocks, lots and easements shall include the radius, length, and central angle of the curve. Lots will show area in acreage or square feet.
- 15) The accurate location of adjacent subdivision streets, blocks, lots, and easements, or note that the adjacent property is undeveloped.
- 16) A copy of the subdivision restrictions, if any, shall be properly signed and notarized and filed for record with the County Clerk.
- 17) The location, size, and description of all permanent monuments and control points.
- 18) The following statements shall be noted on the Final Plat:

Blocking the flow of water or construction improvements in drainage easements, and filling or obstruction of the floodway is prohibited; and,

The existing creeks or drainage channels traversing along or across the subdivided tracts will remain as open channels, and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the creeks or drainage channels.; and,

Delta County will not be responsible for the maintenance and operation of drainage ways for the control of erosion located on private property; and,

Delta County will not be responsible for any property damage, property loss, personal injury, or loss of life by flooding or flooding conditions.

All surface drainage easements shall be kept clear of fences, buildings, foundations and planting, and other obstructions to the operation and maintenance of the drainage facility.

Construction not completed within two (2) years of the recording date shall be subject to the then current county standards and regulations. The County may require the subdivision to be re-platted.



**STANDARD PLATTING PROCEDURE FLOW CHART**

**B. Short Plat Procedure**

- 1) A Short Plat procedure may be followed for the approval of a subdivision Final Plat when the land proposed for subdivision meets the following conditions:
  - A. Such land abuts an existing County Road or Street of required right of way width, or abuts an existing County Road or Street along which adequate right of way shall be dedicated based on the street classification and such land is so located that no additional streets, roads, or other public easements are required to comply with these Regulations; and,
  - B. The perimeter of the tract being subdivided has been surveyed and marked on the ground by a registered professional land surveyor licensed in the State of Texas, and plat thereof prepared and filed with the Commissioner having precinct jurisdiction.
- 2) The Short Plat submittal process will be the same as that for a Final Plat except for those items in Section IV, 6, J(11), and Section V, 7, A(4), (5), and (6), and as noted in this Section. The Commissioner with precinct jurisdiction will notify the owner in writing of the Commissioners Court action. Short Plat submittals shall include the following:
  - A. A completed plat application form, and plat review fees.
  - B. Seven (7) copies of the Final Plat together with two (2) mylar sheets are required.
  - C. Final Plats will be drawn on 18" X 24" sheets at a scale not to exceed 1" = 200'.
  - D. Supporting documentation with the Short Plat submittal shall include letters from the water, sewer, communications service provider and electric utility companies certifying that they will provide service to the proposed subdivision.
  - E. If on-site sewage facilities will be used, a development plan suitability study is required to verify that all of the proposed lots in the subdivision will comply with all adopted County regulations for on-site sewage facilities.

**8. Construction Plans:**

- A. All construction plans, drawings, and calculation shall be sealed by a Registered Professional Engineer licensed to practice in the State of Texas.
- B. Construction Plans shall consist of:
  - 1) Street plans;
  - 2) Drainage plans;
  - 3) Water, electric, communications service or and sewer system, if any; and,
  - 4) Location and description of all easements.
- C. Two (2) sets of all construction plans (18" X 24" sheets) must be submitted to and approved by the Delta County Commissioners Court, unless a variance is granted, prior to the start of any construction.
- D. Street construction plans shall include the following:
  - 1) Title sheet showing names of subdivision, developer, engineer, date and location map. Include a space for approval by the Commissioners Court;
  - 2) The plan of the street at a scale no larger than 1" = 50', showing the location of the proposed pavement, ditches, and structures within the street right of way;
  - 3) The profile of the street at no larger than 1" = 50' horizontal, and 1" = 5' vertical;
  - 4) Both the street grade and elevation;
  - 5) Both the ditch grade and sections;
  - 6) Typical street sections; and,
  - 7) The seal and signature of the engineer responsible for the design on all sheets.
- E. Drainage constructions plans shall include the following:
  - 1) The plan of the drainage ditches or structures including a ditch profile and typical section view in no larger than a 1" = 50';

- 2) The ditch grades, design flow of water, design depth of water, design velocity of water, and the direction of flow within street and drainage channels shall be clearly noted. The use of existing channels is encouraged;
- 3) A plan and profile of all culverts under any street with the design flow of water;
- 4) The size of all driveway culverts to carry the design flow of water to each lot in the subdivision when the culvert is installed at the designed ditch grade;
- 5) A table containing the size of each pipe shall be included on the plat. The developer is responsible for notifying builders and lot owners of the required culvert size;
- 6) The plans shall include a hydraulic summary table, identify the boundary of the drainage area contributing runoff into the drainage system, and be based on a 25-year storm frequency; and,
- 7) The plans shall contain the following statement executed by the engineer responsible for the design:

I, \_\_\_\_\_, a Texas Licensed Engineer, do hereby affirm that to the best of my knowledge, information, and belief, and based upon the information provided, the drainage improvements shown on these plans will have no adverse effect on any property adjacent to the property shown.

F. Water construction plans shall show:

- 1) The location and size of all proposed water lines in relation to the right of way, and/or easements in which the lines are to be located;
- 2) The location of all appurtenances proposed to be installed;
- 3) The minimum cover depth to which the water lines are to be installed shall be no less than 30" (inches); and
- 4) The seal and signature of the engineer responsible for the design on all sheets.

G. Sewage construction plans shall show:

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- 1) The plan of the sewer line in no larger than 1" = 50' scale, showing the location and size of all proposed sewer lines in relation to the right of way or easements in which the lines are to be located;
- 2) The location of all appurtenances proposed to be installed;
- 3) The sewer line grades and elevations at all junction points; and,
- 4) The seal and signature of the engineer responsible for the design on all sheets.

H. Fire Suppression System. Pursuant to Section 232.109 of the Texas Local Government Code, any subdivision that is not served by fire hydrants as part of a centralized water system certified by the Texas Commission on Environmental Quality may be required to provide construction plans showing:

- 1) for a subdivision of fewer than 50 houses, 2,500 gallons of water storage; or
- 2) for a subdivision of 50 or more houses, 2,500 gallons of water storage with a centralized water system or 5,000 gallons of water storage.

I. All Construction Plans shall be submitted with the Final Plat.

J. Construction Plans shall be reviewed by the Commissioner with jurisdiction over the precinct or their designee in which the subdivision is located, and one set of approved plans will be returned to the developer. Should any corrections or additions be required for approval, the Commissioner with precinct jurisdiction shall notify the developer.

K. Construction Plan must be approved prior to the approval of the Final Plat by Commissioners Court.

9. Construction and Maintenance Bonds:

A. Bonds Required - Prior to recording a Final Plat, the following financial securities are required:

1) Construction Bond –

- a. The developer shall complete all construction of improvements within two (2) years after approval of Final Plat. The developer shall file a Construction Bond, executed by a Surety Company authorized to do business in the State of Texas, and made payable to the County Judge of Delta County, Texas or his successors in office. Bond must be

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approved by the Commissioner's Court and filed with the County Clerk's office.

- b. The bond amount shall be equal to one hundred twenty five percent (125%) of the estimated cost of construction of roads, streets, street signs, underground utilities, required drainage structures, and all other associated construction improvements based on an estimated cost certified by the developer or s/engineers estimated cost.
- c. The developer shall submit the construction bond with the Final Plat prior to Commissioners Court approval of the Final Plat.
- d. The construction bond shall remain in full force, and in effect, until all roads, streets, street signs, underground utilities, required drainage structures, and all other associated construction improvements in the subdivision have been completed to the satisfaction of the Delta County Commissioners Court, and the construction has been released by the County Judge on the recommendation of Commissioners Court through official Court action.
- e. The developer must provide written notice to the Commissioners Court of the date of substantial completion of all roads, streets, street signs, underground utilities, required drainage structures, and/or all other associated construction improvements in the subdivision. If the Commissioners Court or its designee provides written notice to the developer of any defect in any of the improvements within two (2) years from the date the Court receives the notice of substantial completion for such improvement ("Deficiency Period"), and the developer fails or refuses to correct the defect within sixty (60) days from the date it receives notice from the Commissioners Court, the defect shall be corrected at the cost and expense of the obligee or financial security. The construction bond shall include language encompassing the provisions in this paragraph. The construction bond shall also be written to allow for a claim against the obligee or financial security for one year after the expiration of the 2-year Deficiency Period described in this paragraph.
  - i. If any or all of the streets, roads, drainage and drainage structures, as constructed by owner, fail to meet the requirements of these Regulations, and the developer fails or refuses to correct the defect within sixty (60) days, from the date the Commissioners Court or its designee provides written notice of that defect, Commissioner with precinct jurisdiction issues notice, in writing, the unfinished improvements shall be completed at the cost and expense of the obligee surety/financial securities as provided.

2) Maintenance Bond –

- a. To insure roads, streets, street signs, underground utilities, required drainage structures, and all other construction is maintained to the satisfaction of Delta County, a maintenance bond executed by a surety company authorized to do business in the State of Texas, and made payable to the County Judge of Delta County, Texas or his successors in office, shall be substituted for the construction bond at the time of release of said construction bond. Bond must be approved by the Commissioner's Court and filed with the County Clerk's office.
- b. The maintenance bond amount shall be equal to the actual cost, or 10% of the estimated cost (paragraph 2) of the roads, streets, street signs, required drainage structures, and all other construction.
- c. The conditions of the maintenance bond shall stipulate that the developer shall guarantee to maintain, to the satisfaction of Delta County, all of the streets, roads, drainage structures, and drainage ditches and channels which have been constructed to specifications with construction in a good state of repair for a period of two (2) years from the date of official release of the construction security. Construction security will be released by the County Judge on recommendation of the Commissioners Court.
- d. The developer shall retain, at the developer's expense, an engineer of the county's choosing, licensed by the State of Texas, to perform annual inspections of roads, streets, street signs, underground utilities, drainage structures, and all other construction for which maintenance security is held. These inspection shall contain the seal and signature of the engineer responsible for the inspection, and be filed with the County Clerk of Delta County, Texas.
- e. In the event any or all of the roads, streets, street signs, underground utilities, drainage structures, and all other construction improvements are not being maintained in a good state of repair, the engineer performing the inspection shall advise both the developer and the Delta County Judge in writing and, if, after ninety (90) days, the developer fails or refuses to repair said items, the deficiencies shall be corrected at the cost and expense of the obligee or financial security.

B. Release of bond –

The release of any bond shall be by order of Commissioners Court. To request a release, the developer shall present a written request to release said bond. This request shall contain a statement made by the engineer responsible for

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the design of improvements stating that he has made an inspection of such improvements and recommends their acceptance by Delta County. Attached to his letter shall be one set of "as built" drawings showing the work to be accepted for use by the County. The written request of bond release shall be received by Delta County at least twenty-one (21) days prior to the next regularly scheduled meeting of Commissioners Court.

**SECTION VI**  
**Subdivision Standards/Specifications**

1. General Requirements:

- A. Except as provided in Section VI herein, no Plat or improvements thereon shall be approved or accepted by the Commissioners Court unless it conforms to the minimum standards and specifications contained herein.
- B. If a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow the opening of future streets.
- C. There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use.

2. Streets or Roads:

- A. All streets/roads within a subdivision submitted for final plat approval shall be constructed to meet the standards and specifications for roads as approved by the Delta County Commissioners Court in this Section. The owner/developer of a subdivision is responsible for the cost of construction for all street/roads, drainage, and other improvements within the subdivision.
- B. Testing shall be performed by a qualified engineering laboratory, and the cost of all testing shall be the responsibility of the owner/developer.
- C. The Commissioners Court may require additional entrances to a subdivision from a County Road for emergency vehicle access, and to provide for increased traffic and public safety.
- D. Street or roads shall be classified, based upon the definitions in Section III of these Regulations, during the Preliminary Plat review. The Commissioners Court shall be the final authority for interpretations of road classifications.
- E. Residential streets or roads shall have:
  - 1) a minimum right of way of sixty (60) feet except subdivisions with interior concrete streets used for drainage then a fifty (50) feet right of way is acceptable at the discretion of the Commissioner's Court.

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- 2) a minimum paved road surface of twenty-four (24) feet; and,
  - 3) a base course of not less than twenty-eight (28) feet.
  - 4) Concrete streets shall have a minimum paved road surface of thirty-one (31) feet and a base course of not less than thirty-five (35) feet.
- F. Collector streets or roads will meet the following requirements:
- 1) General Requirements:
    - a) a minimum right of way of sixty (60) feet
    - b) a minimum paved road surface of twenty-six (26) feet; and
    - c) A base course of not less than thirty (30) feet.
  - 2) Concrete collector streets that are used for drainage:
    - a. a minimum right of way of fifty (50) feet
    - b. a minimum paved road surface of thirty-two (32) feet from back of curb to back of curb; and
    - c. A base course of not less than thirty-six (36) feet.
- G. Main artery streets or roads shall meet the minimum requirements set forth by the Texas Department of Transportation for the level of traffic anticipated by the developer for the proposed area.
- H. Cul-de-sacs shall have:
- 1) a minimum right of way radius of sixty (60) feet:
  - 2) a minimum paved roadway surface radius of forty-five (45) feet; and,
  - 3) a minimum base course of not less than a forty-seven (47) foot radius.
- I. A cul-de-sac that exceeds two thousand five hundred (2,500) feet in length between the center of the turnaround and the intersection of the cul-de-sac with another street or road may require additional turn around space for emergency personnel as required by Commissioners Court.
- J. Alleys shall have a right of way width of not less than twelve (12) feet.
- K. A proposed subdivision that adjoins or encompasses an existing public street, that does not comply with the minimum right of way requirements of these Regulations, shall provide the dedication of additional right of way along



either or both sides of said street so that the minimum right of way required by these Regulations can be established. If the proposed subdivision abuts only one side of said street, then a minimum of one-half of the required right of way shall be dedicated by such subdivision. Any trees, vegetation and/or fencing that is in the newly dedicated right of way will be removed by the developer upon right of way dedication and prior to development. It will also be the developer's responsibility to adjust the ditch line in order to allow for right of way expansion.

- L. All streets or roads shall either be connected at both ends to a dedicated street, or be provided with a turnaround having a minimum paved radius of forty five (45) feet, and a minimum right of way radius of sixty (60) feet as provided in Section V, 2, H of these Regulations.
- M. Streets/roads shall be designed using generally accepted engineering standards to handle a twenty-five (25) year flood within the right of way. All excess water shall be carried off by the use of adequate storm drainage structures or ditches.
- N. Streets/roads, where practical, shall intersect at a ninety (90) degree angle. Where this is not practical, the intersection, on the side of the acute angle, shall be rounded with a curve or a cut-back, but in no case shall the curve have less than a twenty-five (25) foot radius.
- O. New streets or roads which are a continuation of an existing street or road shall be a continuation, without offset, of the existing road.
- P. Where streets or roads in an adjoining subdivision end at the property line of the new subdivision, the streets or roads of the adjoining subdivision shall be continued throughout the new subdivision. Where no adjacent connections are platted, the roads in the new subdivision shall be a reasonable projection of the streets or roads in the nearest subdivision.
- Q. Names of new streets or roads shall be reviewed for use by the Delta County Emergency Management Coordinator, and public safety officials prior to the submission of the Final Plat. New streets or roads will be named to provide continuity with existing streets or roads in adjacent subdivisions that may be expected to extend to the proposed subdivision.
- R. No landscaped "islands", ornamental entrances, trees, decorative squares, or any other obstruction to traffic shall be constructed or preserved within the right of way of a street or road dedicated to the public without authorization from the Commissioners Court. If landscaping and/or irrigation is proposed within the right of way, the owner shall create an organization (homeowners association or neighborhood association) that will be responsible for the maintenance and liability of the landscaping and/or irrigation system. The

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organization shall have assessment authority to insure adequate funding for maintenance.

S. **Streets in subdivisions with lots less than 1.50 acres**

Residential streets shall be 31 feet in width measured back of curb to back of curb. Collector streets shall be 32 feet in width measured back of curb to back of curb.

- 1) **Subgrade** - The subgrade shall be lime stabilized with hydrated lime in the amount of 7% by weight of the subgrade to a depth of six (6) inches for the stipulated width, plus one foot behind the curbs. The commissioner shall consider other types of and percentages of lime based on geotechnical laboratory's tests, evaluations and recommendations described in engineering reports provided paid for by the developer.
- 2) **Surface** - The surface course shall be six (6) inches in thickness of 3,600 psi or greater of Portland cement concrete. (See Exhibit A – Appendix C).

T. **Streets in subdivisions with lots greater than or equal to or equal to 1.5 acres**

All streets or roads shown on the plat shall be paved at the property line, and must meet the followings specifications:

- 1) Asphalt streets/roads or Oil Sand Mix with subgrade and base:
  - A. **Subgrade** - The subgrade shall be lime stabilized with hydrated lime in the amount of 7% by weight of the subgrade to a depth of six (6) inches for the stipulated width, plus two feet beyond the sides of the paved surface. The commissioner shall consider other types of and percentages of lime based on geotechnical laboratory's tests, evaluations and recommendations described in certified engineering reports provided and paid for by the developer.
  - B. Subgrade levels requiring more than 8 inches of fill shall be rolled with a sheep foot roller before making the fill. The rolling shall be done on soil having optimum moisture content, and shall be rolled until the soil is compacted to ninety-five

(95%) percent proctor density to a thickness of six (6) inches within 2% to 4% optimum moisture content, but not less than 2%.

- C. Layers of twelve inch (12") thickness of loose earth material free of visible organic matter are to be placed and compacted as described hereinabove by use of a sheep foot roller until the required cross-section is obtained.
- D. The sub-base shall be crowned to a width of twenty-six (26') feet for residential streets, twenty-eight (28) feet for collector streets, and shall be compacted and shaped to provide a hard subgrade over the entire width. The seep areas shall:
  - 1) Be marked by visual inspection by the contractor and signed for by a licensed engineer;
  - 2) Be drained to a depth of at least two (2') feet below subgrade elevation by use of subsurface drainage.

After the seep areas are drained, the subgrade is to be compacted as described hereinabove.

- E. The base shall be of good quality crushed rock or road gravel, and be compacted to a depth of eight (8") inches in thickness and appropriate width for street type with ninety (90%) percent proctor density.
- F. A core test of the compacted base shall be done by the contractor at his expense. The test shall be presented to the Commissioner with precinct jurisdiction before any asphalt is applied.
- G. The wearing surface shall be hot mix or oils/sand mix.
  - 2) Hot Mix Asphalt or Oil/Sand Mix:
    - A. The prime coat or rack coat shall be placed during proper weather conditions and shall be allowed to properly cure (one day).
    - B. Hot mix asphalt or oil/sand mix shall then be applied during proper weather conditions to a compacted depth of two inches. The asphalt or oil/sand mix shall be rolled to a proper density. The asphalt or oil/sand mix wearing surface shall be the

appropriate width for street type and constructed of a quality approved by the Delta County Commissioners Court.

3) Concrete:

Refer to section S subsection 1 and 2 above.

4) A developer may apply for an exception to the paving of local streets or roads, and the Delta County Commissioners Court may grant an exception when the smallest lot in the subdivision is twenty (20) acres or more in area, the roadway is owned by a homeowners association, and it is privately maintained.

A. Private Roads: Private Roads cannot be included in a Subdivision without prior approval of the Commissioners Court. When a request for a Private Road is received by the Commissioner with precinct jurisdiction, it will be presented to the Commissioners Court for their approval or disapproval.

- 1) Private roads, streets, etc. shall conform the Delta County Subdivision Regulations; and,
- 2) Private streets, roads, and emergency access easements shall be termed as a vehicular access way under private ownership and maintenance; and,
- 3) Gated subdivisions (having security gates or guard stations) are considered privately owned and will be maintained without any County contribution.

U. The developer shall state, on the Final Plat, as to each existing or proposed street or road the type of material used or to be used in the construction of said streets or roads.

V. The land owner or developer shall be required to install culverts under streets at all entrances and at drainage courses as specified by the Delta County Commissioners Court or applicable engineering specifications. All culverts shall be made of metal with a minimum of thirty (30) feet in length at all entrances.

W. All utilities shall be placed and stubbed out from under the street paving to the street right of way line so as not to disturb the road surface in the process of extending and connecting services to each property.

X. The land owner or developer shall be required to contact the Commissioner with precinct jurisdiction prior to the commencement of any work in the

development or addition, in order that the Delta County Commissioners Court may approve the same or make specific recommendations as to any required alterations to the addition.

- Y. Any exceptions to these Regulations require approval from the Delta County Commissioners Court, at its' discretion, finding good cause for such exceptions.

3. Easements:

A. Utility Easements shall:

- 1) Be a minimum of fifteen (15) feet in width along the front and rear property line, and a minimum of ten (10) feet in width along the side property line. It shall be the responsibility of the owner to insure that all utility easements are of the proper width and location to serve the utility companies.
- 2) When crossing a street or road, be buried a minimum of twenty-four (24) inches below the ditch line, or a minimum of thirty-six (36) inches below the crown of the street or road, whichever is greater.
- 3) If new streets or roads are constructed over existing petroleum pipeline crossings, the pipe shall be protected as follows:
  - A. Encased pipe shall be a minimum of three (3) feet below the deepest proposed ditch line.
  - B. Non-cased pipe (of extra wall thickness meeting federal regulations) shall be a minimum of four (4) feet below the deepest proposed ditch line.

NOTE: Delta County will not accept roads for maintenance which contain a petroleum pipeline within the right of way, other than a crossing pipeline. Approval from the pipeline company is required for new streets/roads crossing easements.

B. Drainage Easements shall:

- 1) Be dedicated by the owner of sufficient width and location in order to maintain and construct the storm water drainage system based on the plans prepared by a registered professional engineer.
- 2) Be located generally along existing drainage channels, and equal the top width of the channel plus ten (10) feet on each side.

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- 3) Where drainage crosses a street or road, the storm drainage shall be carried in pipe(s) or through bridges or culverts sized by a registered professional engineer at the developer's expense. Additional drainage easements, outside of the right of way and at culvert crossings, may be required by the Delta County Commissioners Court for maintenance and/or protection of the County Street/Road System.

NOTE: Delta County will not provide maintenance for drainage other than for drainage necessary for the protection of the street or road system.

4. Water Utilities:

- A. In any area of the County that potable water is supplied or eligible to be supplied by a Potable Water Supplier, each subdivision shall contain and each developer shall provide, construct and install all water lines, to insure access to water for each lot unless a variance is obtained by the Delta County Commissioners Court that the Potable Water Supplier has agreed to supply, and has the ability to supply, potable water to all lots located within the subdivision.
- B. Developers shall comply with Chapter 341 of the Texas Health Code.
- C. Where drinking water is to be supplied to a subdivision from a central system, the water quality and system design, construction, and operation shall meet the minimum criteria set forth in 25 TAC Section 337.201-337.212, and 25 TAC 337.1-337.18.
- D. Developers who proposed to supply drinking water by connecting to an existing central system must provide a written agreement with the public water supplier. The agreement must accommodate the total flow anticipated from the ultimate development and occupancy of the proposed subdivision.
- E. Transportation or conveyance of potable water by transport truck or other mobile device to supply domestic needs of the subdivision is not acceptable except on in the case of emergency.

NOTE: Absence of a water system meeting the standards of these Regulations due to the negligence of the developer does not constitute an emergency.

- F. Where water supplies are to be provided by an existing political subdivision of the state, including a city, municipal utility district, water control and improvement district, nonprofit water supply corporation, special utility district, or an existing investor-owned water supply corporation, the developer shall furnish a certificate of convenience and necessity.

- G. Before final approval, plans and specifications for the proposed water facilities system shall have been approved by all entities having jurisdiction over the proposed project.
- H. If well water is proposed to be the source of water supply for the subdivision, the final engineering report shall include a well water availability study which shall include comments regarding the long term (30 years) quantity and quality of the available well water supplies relative to the ultimate needs of the subdivision.
- I. In any area not controlled by an approved rural water supplier, developer shall provide written approval from the Texas Commission on Environmental Quality (TCEQ) for the quantity and quality of water to be provided to the proposed subdivision prior to submittal of the preliminary plat.

5. Sewer Utilities:

A. Organized Collection and Treatment Systems:

- 1) Developers who propose to dispose of wastewater by connecting to an existing permitted facility shall accommodate the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of thirty (30) years. Engineering plans for the proposed wastewater collection lines shall be approved by the TCEQ prior to construction.
- 2) Where wastewater treatment capacity is to be provided by a political subdivision of the State, including a city, municipal utility district, water control and improvement district, nonprofit water supply corporation, or an existing investor-owned water supply corporation, the developer shall furnish evidence of a contractual agreement between the developer and the governing board of the entity or owner of the utility to the effect that necessary arrangements have been made by the developer and the entity for the provision of sufficient wastewater treatment capacity to serve the ultimate occupancy needs of the subdivision for a term of not less than thirty (30) years. Before Final Plat approval, an appropriate permit shall be obtained from the TCEQ, and plans and specifications for the proposed wastewater collection and treatment facilities shall be approved by all entities having jurisdiction over the proposed subdivision.
- 3) Where there is no existing entity or owner to construct or maintain the proposed wastewater treatment and collection facilities, the developer shall establish an investor-owned utility by obtaining a Certificate of Convenience and Necessity from the TCEQ. Before Final Plat

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approval, a wastewater treatment permit authorizing the treatment of the wastewater for the ultimate occupancy needs of the subdivision shall be 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 subdivision.

B. Individual On-site Sewage Facilities:

- 1) Subdivisions served by on-site sewage facilities shall provide for individual lots have a surface area not less than one and one-half (1.5) acres. The one and one-half acres must be usable land.
- 2) On-site sewage facilities not required to obtain a wastewater permit through the TCEQ shall apply for permit through the representative designated by Delta County.
- 3) On-site sewage plans must be submitted an approved prior to installation of the system.
- 4) The following items must be addressed and/or performed prior to the approval of the Final Plat:
  - a. Development Site Plan – should state the overall reason for the subdivision. (i.e. being developed for commercial, residential, RV parking, mobile homes, etc.);
  - b. Topographic Map;
  - c. 100-Year Flood Zone, if applicable;
  - d. Soil Survey;
  - e. Location of water wells in the development, or within 150 feet of the development;
  - f. Location of all easements;
  - g. Comprehensive drainage plan; and,
  - h. Detailed description of all types of sewage facilities suitable for the soil conditions and restrictions of the proposed development as provided by a registered sanitarian or professional engineer.



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6. Lots:

- A. The minimum lot size for subdivision of single family dwellings utilizing individual on-site sewage facilities shall be one and one and one-half (1.5) acre.
- B. Building setback lines be fifty (50) feet from the edge of the right of way along all state or federal roads and highways. The building setback lines from all other streets and roads shall be twenty-five (25) feet. Building setback lines shall be shown on the Preliminary and Final Plats.
- C. Lots shall have minimum road frontage as indicated by the following:

<u>Lot Size</u>	<u>Minimum Frontage *</u>
Less than one (1) acre or in cul-de-sac	80 feet
One (1) to two (2) acres	150 feet
Greater than or equal to two (2) acres but less than five (5) acres	200 feet
Greater than or equal to five (5) acres	275 feet

\* Minimum cord length along a curve, and minimum frontage in cul-de-sacs shall be measured at the building line.

- D. All lots shall abut and have direct access to a County street or road, or abut and have direct access to a private or public road that has been constructed to the current construction standards of these Regulations, and which has the required dedicated right of way.
- E. Panhandle or flag-shaped lots shall generally be prohibited, except if approved by the Commissioners' Court as consistent with the intent and spirit of these regulations. The Precinct Commissioner shall advise the Commissioners' Court if a proposed lot constitutes a panhandle or flag-shaped lot as defined herein, and the Commissioners' Court shall evaluate any problems related to inadequate road and driveway access, shoulder maintenance, drainage maintenance, addressing, delivery of emergency services, school bus routing, the preservation of adequate sight distance for public safety, and any other relevant factors that may affect surrounding property owners or the public at large in making its final determination as part of the Subdivision process. None of the considerations herein shall be construed as vesting any right to the creation of panhandle or flag-shaped lots as part of the Subdivision process.

7. Floodplains:

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- A. Subdivisions that are located in a flood zone as shown on any adopted Flood Insurance Rate Map (FIRM) for Delta County will comply with this section. Subdivisions containing a floodway may be subject to encroachment review, and required to submit an encroachment certification by a licensed engineer. The developer shall be responsible for the costs of any engineering studies and certifications necessary to determine the impact of improvements on flood flows downstream, and flood heights upstream and adjacent to the subdivision. This section is only applicable if a Flood Insurance Rate Map (FIRM) for Delta County has been adopted.
- B. All subdivision submittals shall comply with the current Floodplain Management Regulations adopted by the Delta County Commissioners Court.
- C. The finished floor elevation for each lot located in the floodplain shall be shown on the plat, and the boundaries of the floodplain shall be delineated. The finished floor elevation shall be no less than two (2) feet above the Base Flood Elevation (BFE) for each lot located in the floodplain.
- D. The Preliminary and Final plat shall have a notation stating: "A floodplain development construction permit is required from Delta County prior to any construction in the floodplain".
- E. Permanent type bench marks shall be set in appropriate locations with the description and elevation shown on the plat.
  - 1) In addition, all subdivisions located within, or abutting, any area designated as ZONE A on the current Flood Insurance Rate Map ("FIRM") for Delta County shall provide with the Final Plat a detailed base flood elevation study for the subdivision at the sole cost of the developer.

NOTE: Delta County is not responsible for the provision and maintenance of drainage to reduce flood damage on individual private lots.

**SECTION VII**  
**Variances 1.**

1. Variance may be authorized by the Delta County Commissioners Court when evidence shows that undue hardship will result from requiring strict compliance. In granting variances, the Commissioners Courts shall prescribe only conditions that it deems necessary or desirable for the public interest. In making their findings, the Commissioners Court shall take the following into account:
  - A. The nature of the proposed use of the land involved;
  - B. Existing uses of land in the vicinity of the proposed subdivision;
  - C. The number of persons who will reside or work in the proposed subdivision; and,
  - D. The probable effect of such variance upon traffic conditions, drainage, public health, and the safety of the existing and future residents.
2. No variance shall be granted unless the Delta County Commissioners Court determines, from a written request:
  - A. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of these Regulations would deprive the applicant of the reasonable use of the land; and,
  - B. That the variance is necessary for the protection and enjoyment of a substantial property right of the applicant; and,
  - C. That the granting of the variance will not be detrimental to the public health or safety or injurious to other property in the area; and,
  - D. That the granting of the variance will not have the effect of preventing orderly division of other land in the area in accordance with these Regulations.
3. Such findings of the Delta County Commissioners Court, together with the special facts upon which the findings are based, shall be incorporated into the official minutes of the meeting at which the variance is granted. Variances may be granted only when in harmony with the general purpose and intent of these Regulations, and when they serve to secure the public health and safety.

NOTE: Financial hardship to a developer, standing alone, shall not constitute undue hardship.

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**SECTION VIII  
Exceptions to Platting**

Pursuant to the Texas Local Government Code, the following exceptions to subdivision of land and filing of a plat are effective:

1. Lot Size:

A. A plat is NOT required if:

- 1) all of the daughter tracts are more than twenty (20) acres in area; and,
- 2) the owner does not lay out on the parent tract any streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.

2. Family Grants:

A. A plat is NOT required if the owner of a tract divides the tract and:

- 1) the owner does not lay out a part of the tract for streets, alleys, squares, parks, or other parts intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts; and,
- 2) each of the lots is to be sold, given, or otherwise transferred to an individual who is related to the owner within the third degree by consanguinity or affinity.

NOTE: If any lot is sold, given, or otherwise transferred to an individual who is not related to the owner of the parent tract within the third degree by consanguinity or affinity, the platting requirements of these Regulations apply. Consanguinity and affinity are determined in accordance with Texas Government Code Chapter 573. In general, the term third degree of consanguinity refers to parents, children, brothers, sisters, grandparents, grandchildren, great grandparents, great-grandchildren, aunts who are sisters of a parent of the owner, uncles who are brothers to a parent of the owner, nephews or nieces who are children of a brother or sister of a parent of the owner. In general, the third degree of affinity includes the owner's spouse, any person related to the owner's spouse in the third degree of consanguinity, and the spouse of any person related to the owner within the third degree of consanguinity.

3. Phased Subdivisions:

A. A plat is NOT required of an owner who divides a tract into two or more parts if:

- 1) one daughter tract is to be retained by the owner and the other daughter tract is to be transferred to another person who will further subdivide that tract subject to the plat approval requirements of these Regulations and the Texas Local Government Code; and,
- 2) the owner does not lay out any streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.

4. Agricultural Use:

A. A plat is NOT required of a landowner who divides a tract into two or more parts if:

- 1) the owner does not lay out a part of the tract for streets, alleys, squares, parks, or other parts intended to be dedicated to public use, or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts; and,
- 2) every daughter tract is to be used primarily for agricultural use, as defined by Section 1(d), Article VIII of the Texas Constitution, or for farm, ranch, wildlife management, or timber production use within the meaning of Section 1(d)(1), Article VIII of the Texas Constitution.

NOTE: If any daughter tract ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use, the platting requirements of these Regulations shall be applicable.

5. Veterans Purchase:

A. A plat is NOT required if all of the lots are sold to veteran's through the Veteran's Land Board program, and the owner of the parent tract does not lay out any streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use, or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.

6. Government Land:

A. A plat is NOT required for the subdivision of a tract of land belonging to the State or any State agency, board, commission, owned by a Permanent School Fund, or any other dedicated funds of the State unless the subdivision lays out any streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.

7. Sale of Government Land in a Floodplain:

A. A plat is NOT required if:

- 1) the owner is a political subdivision of the State of Texas; and,
- 2) the land is located in a floodplain; and,
- 3) the land is sold to adjoining landowners.

8. Partition Among Original Owners:

A. A plat is NOT required for the division of a tract if:

- 1) all parts are transferred to persons who owned an individual interest in the original tract, and a plat is filed before any further development of any part of the tract; and,
- 2) the owner does not lay out any streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.

NOTE: The exceptions listed in this Section do not apply if new streets/roads are to be constructed in order to provide a daughter tract with access frontage on a public or private road, or if access easements are provided for the use of tract owners adjacent to such easements. An owner who claims an exception to platting may be required to submit documentation to the County to verify he or she is complying with the qualifications of the exception. The documentation may include an affidavit claiming the exception to platting and including a detailed basis for the exception, under penalties of perjury, and copies of deeds or other instruments creating the daughter tracts.

HH-911

**SECTION IX**  
**Conflicts of Interest**

1. If a member of the Commissioners' Court of Delta County has a substantial interest in a subdivided tract, the member shall file, before a vote or decision regarding the approval of a plat for the tract, an affidavit stating the nature and extent of the interest, and shall abstain from further participation in the matter. The affidavit must be filed with the County Clerk.
2. A member of the Commissioners' Court of Delta County commits an offense if the member violates Section VIII (1) above. An offense under this subsection is a Class A misdemeanor.
3. The finding by a Court of a violation of this Section does not render voidable an action of the Commissioners' Court unless the measure would not have passed the Commissioners' Court without the vote of the member who violated this Section.
4. In this Section, "subdivided tract" means a tract of land, as a whole, that is subdivided. The term does not mean an individual lot in a subdivided tract of land.
5. A person has a substantial interest in a subdivided tract if the person:
  - A. has an equitable or legal ownership interest in the tract with a fair market value of \$2500 or more;
  - B. acts as a developer of the tract;
  - C. owns ten (10%) percent or more of the voting stock or shares of, or owns either ten (10%) percent or more, or \$5000 or more of the fair market value of a business entity that:
    - 1) has an equitable or legal ownership interest in the tract with a fair market value of \$2500 or more; or
    - 2) acts as a developer of the tract; or
    - 3) receives, in one calendar year, funds from a business entity described by Section VIII 5(C) that exceed ten (10%) percent of the person's gross income for the previous year.
  - D. A person is also considered to have a substantial interest in a subdivided tract if the person is related in the first degree by consanguinity or affinity to another person, who, under this Section, has a substantial interest in the tract.

**SECTION X**  
**Severability Clause**

If any word, phrase, clause, sentence, section, provision, or part of these Subdivision Regulations should be held invalid or unconstitutional, it shall not affect the validity of the remaining portions, and it is hereby declared to be the intent of the Delta County Commissioners Court that these Regulations would have been adopted as to the remaining portions, regardless of the invalidity of any part.



**SECTION XI**  
**Enforcement/Penal Provisions**

1. The Commissioners Court of Delta County shall have the authority to refuse to approve or authorize any map or plat of any such subdivision, unless such map or plat meets the requirements as set forth in these Regulations.
2. At the request of the Commissioners Court of Delta County, the County Attorney or other prosecuting attorney representing the County, may file an action in a court of competent jurisdiction to:
  - A. Enjoin the violation, or threatened violation, of a requirement established by or adopted under these Regulations;
  - B. Recover damages in an amount adequate for the County to undertake any construction or other activity necessary to bring about compliance with a requirement established by or adopted under these Regulations;
  - C. A person commits an offense if the person knowingly or intentionally violates a requirement established by or adopted under this Act by the Commissioners Court.

3. Oversight:

The owner, by submitting a plat, acknowledges the authority of the County and State agencies to lawfully enter and inspect property for purposes of execution of their statutory duties. Such inspection will not release the owner from any obligation to comply with the requirements of these rules. Any such inspection or review will not subject the County or the State of Texas to any action for damage.

4. Civil Penalty:

A person who violates a rule adopted by a County pursuant to Section 16.343 of the Texas Water Code is subject to a civil penalty of not less than \$50 nor more than \$100 for each violation, and for each day of a continuing violation not to exceed \$5000 per day.

5. Criminal Penalty.

A person commits an offense if the person knowingly or intentionally violates a rule adopted by a County pursuant to Section 16.343 of the Texas Water Code. An offense under this Section is a Class B misdemeanor. An offense under Section VIII is a Class A misdemeanor.

6. Injunction.

In addition to other remedies, the Attorney General, the County or District Attorney of the County in which the violation occurred, or other local officials are authorized to apply to the District Court for, and the Court at its' discretion may grant the State or political subdivision without bond or other undertaking, any injunction that the facts may warrant including a temporary restraining order, temporary injunction after notice and hearing, and permanent injunctions enjoining a violation of these Regulations.

7. Attorney General Action:

The Attorney General may take any action necessary to enforce a requirement imposed by or under Section 232.0035 or 232.0036 of the Texas Local Government Code, or to ensure that the water and sewer service facilities are constructed or installed to service a subdivision in compliance with the model rules adopted under Section 16.343 of the Texas Water Code.

A. Civil Penalty: A person who violates Section 232.0035 or 232.0036 of the Texas Local Government Code, or fails to timely provide for the construction or installation of water or sewer service facilities that the person described on the plat or on the documents attached to the plat, as required by Section 232.0035, is subject to a civil penalty of not less than \$500 nor more than \$1000 plus court costs and attorney's fees for the attorney bringing this action.

B. Offense: An offense under this Section is a Class B Misdemeanor

8. Permitting for On-Site Sewage Facility or Septic System on Illegally-Subdivided Parcel.

A. No official or employee of the County may issue a permit for an On-Site Sewage Facility ("OSSF") or septic system on any parcel that has been subdivided without meeting the requirements of the Delta County Subdivision Regulations ("Illegally Subdivided Parcel") as adopted in 2017. If the owner or agent in control of such an Illegally Subdivided Parcel desires to obtain an OSSF or septic system permit, they must first comply with the requirements of the Delta County Subdivision Regulations.

B. The purpose of this subsection is to promote the health, safety and general welfare of the county and the safe, orderly, and healthful development of the unincorporated area of the county, pursuant to the County's authority under Texas Local Government Code Section 232.001.

C. Nothing in this subsection is intended to create more stringent standards for OSSF or septic systems than those adopted included in Title 30 Texas Administrative Code Chapter 285. The standards for OSSF or septic systems are subject to state law, including Title 30 Texas Administrative Code, Chapter 285, and Texas Health and Safety Code, Chapter 366, Section 366.032, and other applicable laws and regulations of the State of Texas, and Delta County, including the resolution adopted by Delta County to become an authorized agent of the TCEQ pursuant to Title 30 Texas Administrative Code Section 285.10.

HH-915

*HH-916*

**APPENDIX A**

**Delta County Plat Fee Schedule**

Pursuant to Section 232.0021 of the Texas Local Government Code, the following review fees are required if:

Preliminary Plat*	\$300, plus \$15 per lot
Final Plat**	\$300, plus \$30 per lot
Replat w/o Revised Construction Plans**	\$250
Replat w/ Revised Construction Plans**	\$250, plus \$10 per lot
Variance Request	\$100 per request
Release of Easement	\$100
Cancellation**	\$250
Amended or Revised Plat**	\$100

\*Plats submitted as a short form submittal will be assessed the Preliminary Plat Fee.

\*\* Fees for these items shall ALSO include all costs incurred by the County for required Certified Mailings and newspaper publications.

Copy of Subdivision Rules and Regulations: \$10.00 per copy

**APPENDIX B**

HH- 917

### Plat Notes for County Officials

***County Judge's Approval***

STATE OF TEXAS

KNOW ALL MEN BY THESE PARENTS:

COUNTY OF DELTA

I, Jason Murray, County Judge of Delta County, Texas, do hereby certify that this final plat, with field notes hereon, having been fully presented to the Commissioner Court of Delta County, Texas, and by the said Court duly considered, was on this day approved and the plat is authorized to be registered and recorded in the proper records of the County Clerk of Delta County, Texas.

\_\_\_\_\_  
Jason Murray  
County Judge, Delta County, Texas

Date \_\_\_\_\_

***County Clerk's Approval***

Certificate of Compliance

The undersigned, the County Clerk of Delta County, Texas, does hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_, the Delta County Commissioners Court, by appropriate minute order, did find that this final plat is in compliance with applicable State and County subdivision regulations, and did approve the same for filing in the plat records of Delta County, Texas.

Certified this \_\_\_\_ day \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Jane Jones  
County Clerk Delta County, Texas

***Commissioners Court Approval***

HH-918

**Certificate of Acceptance of Dedication**

The undersigned, the County Clerk of Delta County, Texas, does hereby certify that on the 11 day of December, 2018, all the owners of real property described above did execute and deliver unto the Delta County Commissioners Court their dedication of all streets, alleys, parks, easements, and other public areas to the public, a copy of which is affixed to the face of this plat; and the Delta County Commissioners Court did, by appropriate minute order, accept the dedication of all streets, alleys, parks, easements, and other public areas on behalf of the public.

Certified this 11 day of December, 2018.

James Jones  
County Clerk  
Delta County, Texas

***Dedication Statement for Privately Maintained Roads***

The undersigned owner of the above described property states and acknowledges that the \_\_\_\_\_ foot wide strip of land is designated as a private access easement for the benefit of adjoining landowners only, and that the road on said easement is a private road and not a public, nor a County, road of which all buyers and transferees of adjoining property are hereby notified and shall take notice.

Witnessed my hand on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

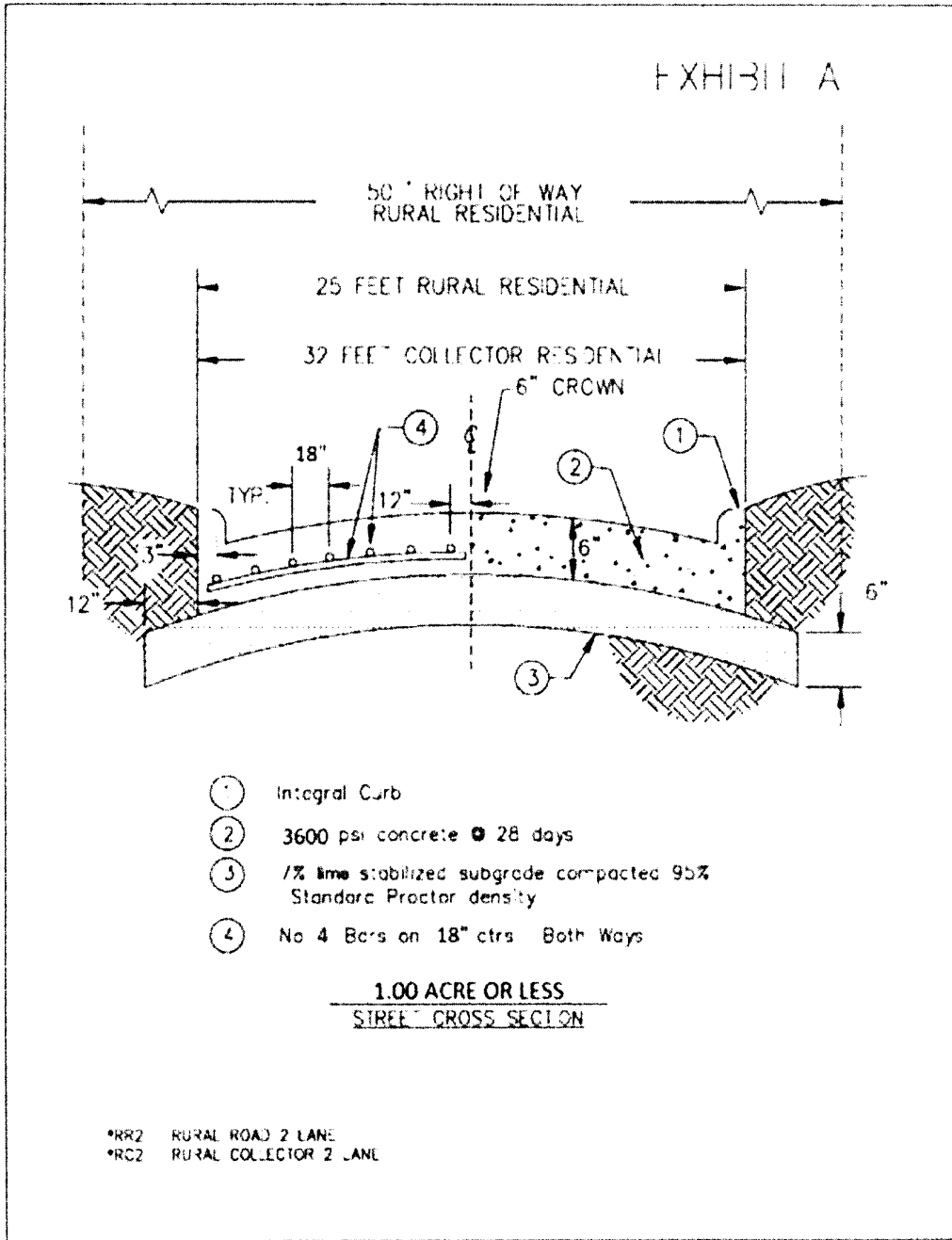
\_\_\_\_\_  
Owner

Attest:

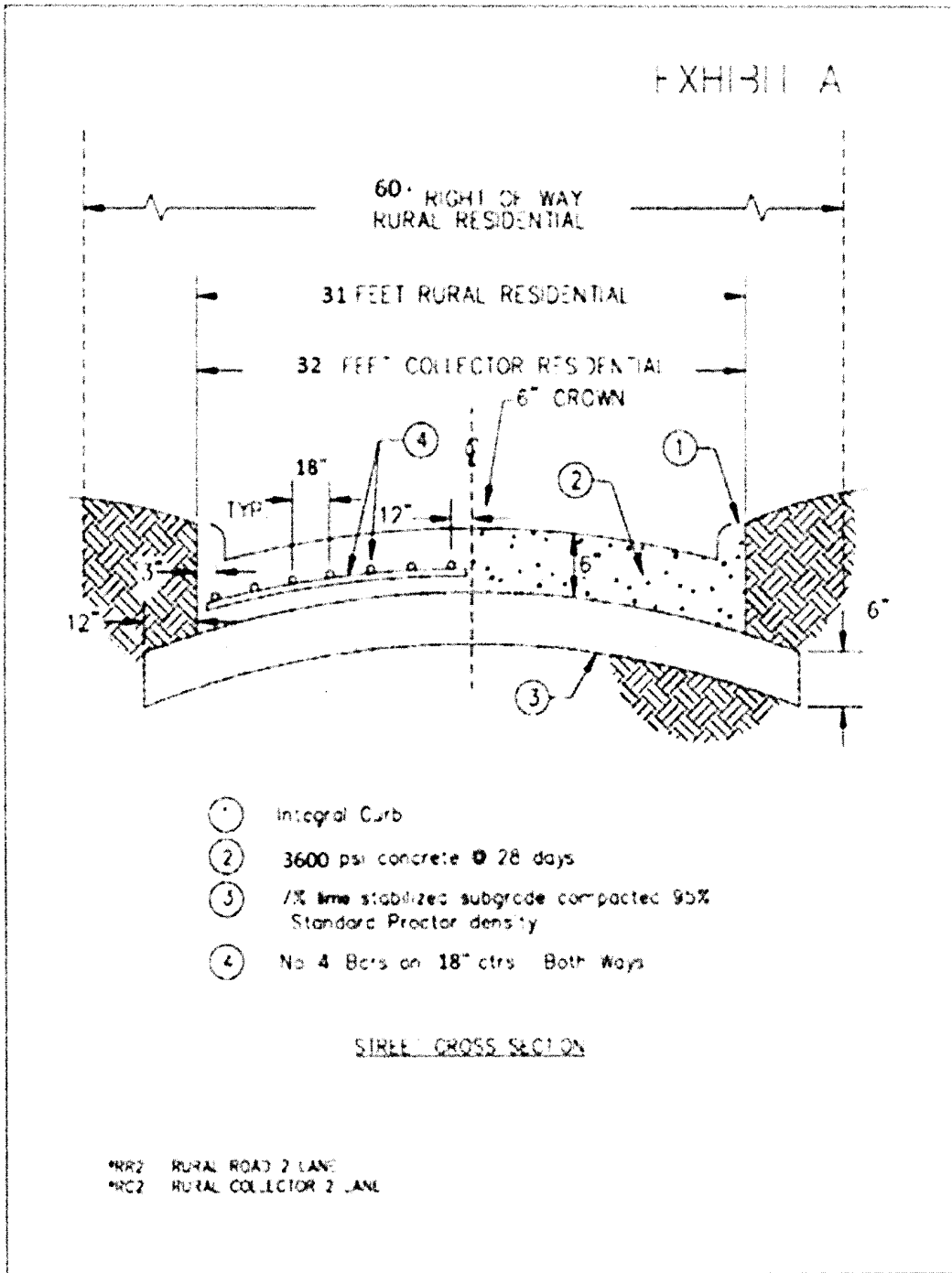
\_\_\_\_\_  
County Clerk

**APPENDIX C**

HH-919



HH-920





HH-921

Certificate of Approval

APPROVED this 11 day of December, 2017 by the Commissioner Court of Delta County, Texas.

[Signature]  
County Judge

[Signature]  
Commissioner, Precinct 1

[Signature]  
Commissioner, Precinct 2

[Signature]  
Commissioner, Precinct 3

[Signature]  
Commissioner, Precinct 4

ATTEST:

[Signature]  
County Clerk



*Acceptance of Dedication of Any Public Ways*



# ORDER OF THE COURT

**Order of the Commissioners Court of Delta County, Texas adopting an amendment (Amendment 2023-03-14-01) to the Delta County Subdivision Rules and Regulations, originally adopted on December 11, 2017 by a majority vote of the Commissioners Court**

**WHEREAS**, Delta County, Texas finds it in the best interest of the citizens of Delta County and the County of Delta, that the Delta County Subdivision Rules and Regulations, *Section VIII Exceptions to Platting*, be amended as follows:

The following exemption criteria shall be added to *Section VIII Exceptions to Platting*:

“9. Maintains Minimal Road Frontage

A. An owner of a tract of land located outside the limits of a municipality who divides the tract into two parts is not required to have a plat of the subdivision prepared if:

- 1) both lots in the subdivision are two (2) acres or more in area; and
- 2) the owner does not lay out a part of the tract described in Section 232.001(a)(3) of the Local Government Code; and
- 3) each lot has at least 200 feet of frontage on a public road, to be used for access only by that tract alone. This provision does not exempt sham transactions staged to avoid the platting requirements.”

**NOW, THEREFORE, BE IT RESOLVED** that the Commissioners Court of Delta County, duly convened and acting in its capacity as the governing body of Delta County, does hereby order and adopt the amendment (Amendment 2023-03-14-01) to the Delta County Subdivision Rules and Regulations and further orders that this language, included in the attached amendment, be attached as “Appendix D” to the Delta County Subdivision Rules and Regulations adopted December 11, 2017.

**APPROVED, ADOPTED, AND AMENDED THIS 14<sup>TH</sup> DAY OF MARCH, 2023**

\_\_\_\_\_  
Tanner Crutcher, County Judge

\_\_\_\_\_  
Morgan Baker, Commissioner Precinct 1

\_\_\_\_\_  
Jimmy Sweat, Commissioner Precinct 2

\_\_\_\_\_  
Anthony Roberts, Commissioner Precinct 3

\_\_\_\_\_  
Mark Brantley, Commissioner Precinct 4

**ATTEST:**

\_\_\_\_\_  
Janice Roberts, County/District Clerk

## Appendix D

The following exemption criteria shall be added to *Section VIII Exceptions to Platting*:

“9. Maintains Minimal Road Frontage

- A. An owner of a tract of land located outside the limits of a municipality who divides the tract into two parts is not required to have a plat of the subdivision prepared if:
- 1) both lots in the subdivision are two (2) acres or more in area; and
  - 2) the owner does not lay out a part of the tract described in Section 232.001(a)(3) of the Local Government Code; and
  - 3) each lot has at least 200 feet of frontage on a public road, to be used for access only by that tract alone. This provision does not exempt sham transactions staged to avoid the platting requirements.”