

ORDER AMENDING THE

FANNIN COUNTY, TX

SUBDIVISION REGULATIONS

December 5, 2023

Fannin County Commissioners

Precinct 1

Dale McQueen

Precinct 2

A.J. Self

Precinct 3

Jerry Magness

Precinct 4

Doug Kopf

AMENDMENT LOG

| Section | Description of the Amendments | CC Date |
|---------------------------------------|--|---|
| | Add an additional fee payable to the County Clerk's Office, by the customer, in order to cover the cost of digitizing plats from Mylar to digital. | 11/5/2019 Item 9 |
| | soil samples performed at the requester's cost to determine how much soil stabilization is needed | 11/5/19 Item 10 |
| 4.4.5 & 4.5.4 | Home owners Association should formed before final plat is approved to subdivision | 11/5/19 item 11 |
| P2 Step II Ibis | requiring a drainage study for all new subdivisions | 11/5/19 item 13 |
| | enforcing all fees listed in the Fannin County Subdivision Handbook, including road acceptance fees | 11/5/22 Item 14 |
| 4.2 & 4.2.1 | Correct 50' to 60' with utility easement located within the 60' right-of-way, within 10' of the outside edge | 11/5/19 Item 12 (tabled) 11/12/19 Item 10 (passed) |
| 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.9 P19 | Minimum Right-of-way changed from 50ft to 60ft | 11/12/2019 Item 10 |
| Sec 3.2.19 | Road acreage to be included on all plats when dedicating roads in order to account for all acreage | 12/31/19 Item 8 |
| Sec 4.03 | Require two soil samples on any new road being built | 1/7/20 Item 13 |
| ? | Add road specs for asphalt and concrete. Also add to page 3? :Soil Stabilization to be determined per soil sample impacted to 95% compaction | 6/9/2020 Item 14 |
| 4.4.5 & 4.5.4 4.5.4a & 4.5.4b | HOA Or Private road agreement to be done on a case by case basis. | 6/9/2022 Item 15 |
| | Enforcement protocol | 3/31/2022 Item #12 |
| 3.0.1 (iii) | add (to include lots over 5 acres, RV Parks & Manufactured Home Community with two or more lots to be rented) | 7/19/2022 |
| Pv Step II-b | Drainage study Remove verbiage " Or have Commissioner of that Precinct approve" | 12/4/2023 Item 17 |
| P2 Step 1 Id | Provide a letter from TX DOT to approve driveway access to all FM roads and State HWY's. | 12/4/2023 Item 17 |
| Definitions Added | Development plan, Driveway, Flag lots, One time Severance, Plat Amending, Street-Private. | 12/4/2023 Item 17 |
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|--------------------------------|---|-------------------|
| P2 Step 1 lb | Change Health inspector to Environmental Development Designated Representative | 12/4/2023 Item 17 |
| 3.0.3 | Add “Exemptions do not release the Subdivider from the responsibility to meet other requirements of these Subdivision Regulations, including the following: 1.Minimum Lot Frontage 2.Minimum Setback requirements” | 12/4/2023 Item 17 |
| 3.1 | Change appendix to section | 12/4/2023 Item 17 |
| 4.1 | Multiple changes to sections 4.1.1, 4.1.2 | 12/4/2023 Item 17 |
| 4.1.3 | Multiple changes to verbiage in 4.1.3 sections 1,2, 3 & 4 | 12/4/2023 Item 17 |
| 4.2.2 | Added verbiage to include g “See Appendix for required language to be used on plats for public roads, private roads, and roads maintained by utility districts.” And O “Pay all required fees, post required bonds, make required dedications, and pay construction costs including apportioned County Infrastructure costs. | 12/4/2023 Item 17 |
| 4.2.3 4.2.4. 4.2.5 | Added verbiage for infrastructure costs & drainage | 12/4/2023 Item 17 |
| 4.2.6 | Changed verbiage pertaining to private roads | 12/4/2023 Item 17 |
| 5.1 | d. added ingress egress rule per 30 houses g. updated minimum widths | 12/4/2023 Item 17 |
| 5.3 | b. added Easement info c. added Relation to road info e. Updated road frontage from 30ft to 60ft | 12/4/2023 Item 17 |
| 5.4 | Added 1. Drainage requirement 2. Onsite detention/retention requirements 3. Floodplain development requirements | 12/4/2023 Item 17 |
| 5.5 | Added verbiage to c. Verbiage for MUD districts | 12/4/2023 Item 17 |
| SEC 9 FC 4.16B FC 4.16C | Added Dense – Graded hot-mix asphalt pavement standards Added Concrete pavement standards | 12/4/2023 Item 17 |
| Changes to Plat Certifications | County Clerk Certificate, Judges Certification, Added Verbiage for Private Roads & MUD’s. | 12/4/2023 Item 17 |
| Developers contract | Added indemnification | 12/4/2023 Item 17 |
| Appendix B – Fee schedule | Updated all costs in the Fee schedule | 12/4/2023 Item 17 |
| Old appendix C | Removed declaration of intent to approve final plat | 12/4/2023 Item 17 |
| | | |

Fannin County Development Checklist

Step I - Submit a Preliminary Plat and supporting Documents (See Section 4.1 for details.)

- I-a. Provide 1 digital and 4 paper copies of a preliminary plat prepared by a licensed surveyor to the Subdivision Planning Director.
- I-b. Provide a study prepared by a Registered Sanitarian or Engineer to the Health Inspector to verify that each of the lots in the subdivision is suitable for the use of On-Site Sewage Facilities (septic systems). (Ref: Chap. 285.4 of Title 30, Texas Administrative code).
- I-c. Provide a letter from the area electric and water utility company to confirm that services will be provided to the subdivision and when such service will be available.
- I-d. Provide a letter from TXDOT to approve driveway access to all FM roads and State HWY's.
- I-e. Complete and submit an application for plat approval together with the plat fee.

The preliminary plat is reviewed and must be approved by the Commissioner's Court prior to the approval of a final plat.

Step II- Submit a Final Plat and Development Documents/Financial Guarantee (See Section 4.1 for details.)

- II-a. Provide 1 digital, 1 Mylar and 4 paper copies of a final plat prepared by a licensed surveyor to Subdivision Planning Director.
- II-b. Provide 1 digital and 2 paper copies of a drainage study prepared by a licensed engineer.
- II-c. Provide 1 digital and 2 paper copies of engineered plans for road and drainage improvements to include 2 soil sample analysis per road.
- II-d. Two options to choose from:
 - 1. If you want the County to approve the final plat prior to the completion of road, drainage and utility improvements then you are required to submit a financial guarantee. This may be an irrevocable letter of credit, a bond or an escrow account with the County Treasurer. This financial guarantee must be for 100 percent of the costs of the road, drainage, and utility improvements.

Or

- 2. You may choose to delay final plat approval until after the satisfactory completion of all road, drainage and utility improvements and a financial guarantee is not required.
- II-e. Submit the development inspection fee and final plat fee to Fannin County
- II-f. Pre-Construction meeting with the Subdivision Planning Director prior to starting work.

A final plat must be approved by the Commissioner's Court. The final plat will be returned to the developer/owner to be recorded with the County Clerk in the plat records. Lots are not to be sold until the final plat is recorded. Acceptance of roads for County maintenance requires separate action and approval of the Commissioner's Court.

Note: Subdivisions that are not required to build new roads (all lots fronting on existing approved roads) may use the short form submittal procedure for final plat approval.

This checklist is a general listing of requirements for plat approval. Refer to the Fannin County Subdivision Regulations for complete requirements.

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PREAMBLE

The Fannin County Subdivision Regulations are provided to assist persons considering the subdivision and development of property in the unincorporated areas of Fannin County. Anyone considering a development project is strongly encouraged to become familiar with this information. A special effort has been made to include supplemental information in the Appendix section.

It must be noted however that while these Regulations are important for planning a development project and obtaining County approval, they do not represent all of the information that is critical to a quality development. In many ways subdivision regulations represent minimum standards only. Developers are encouraged to use and comply with nationally accepted building codes governing structural, plumbing, electrical and mechanical systems in new construction. Fire hydrants and adequate water utility services assist the local fire departments in providing protection of lives and property. Emergency vehicle access is further enhanced when more than one entry way is provided into a subdivision. Safe entry and exiting from a subdivision are of prime importance. Roads should intersect at locations with good visibility to avoid line of sight obstructions to vehicular traffic. Roads and drainage ditches should be aligned with the land topography to avoid extreme grades that can result in excessive soil erosion. Consideration of community wastewater treatment systems as an alternative to individual septic systems can provide more flexibility in the design of lot sizes and layout. This design flexibility can result in the designation of open space such as parks or other amenities for the benefit of residents. The designation of some areas as open space may also serve to protect areas not desirable for development such as wooded areas, wildlife habitat or areas of steep terrain.

Fannin County recognizes the importance of new development and its impact on the quality of life for our citizens. The standards set forth in these regulations are achievable and represent that which is desirable for future growth. They should be reviewed periodically to ensure that they are relevant and that they will always serve the public's interest first and foremost.

SECTION 1: PURPOSE

On Nov. 8, 2004, the Fannin 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 well-being of current and future land owners and the residents of Fannin County.

On Nov. 8, 2004, the Commissioners Court finds that it is in the best interest of the residents of Fannin County to adopt the following regulations, known as the Fannin County Subdivision Regulations, pursuant to the Texas Local Government Code. They are to be effective as of Dec. 1, 2004. They have been prepared for the following specific purposes:

- To provide for the safety, health and well-being of the citizens of Fannin County and provide for the orderly development of the land area located in the unincorporated parts of Fannin County.
- To establish rules and regulations for the subdivision of property and to assure that newly created parcels of land conform to legal statutes.
- To prevent Fannin County from being burdened with substandard streets and roads in the future and thereby protect the taxpayers from unnecessary maintenance costs.
- To assure that the residents of Fannin County receive the necessary services for the supply of water and that new development will be served by adequate sewage treatment systems.
- To provide for adequate drainage facilities in all subdivisions.
- To provide information to the developer and assist in the preparation of plats and approval of future development.

SECTION 2: DEFINITIONS

The following definitions are defined for the sole purpose of the applications of these subdivision regulations and for no other purpose. Any definition herein which may conflict with any state law or statute defined is not intended to change or influence any such statute or law.

Agent - A person acting on behalf of another and empowered to make commitments, however limited, for the other within general limitations.

Building Line or Setback Line - A line established, in general, parallel to the front street line. No building or structure may be permitted in the area between the building line and the street right-of-way.

Commissioners Court - The Fannin County Commissioners Court

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 and including persons, corporations, organizations, estates, trusts, partnerships, agents, associates and other entities which undertake the activities covered by these regulations.

Developer's Contract - An agreement between the County or other public entity and a developer acknowledging that improvements involving the construction of roads, streets, and appurtenant improvements within a platted subdivision are to be constructed pursuant to the requirements of the governmental entity upon whose rights-of-way such construction is to be placed and setting forth responsibilities of the developer for the design, installation and payment for such improvements to be subject to a subsequent acceptance of and maintenance by the County or other public entity.

Development Plan - includes a preliminary plat, preliminary subdivision plan, subdivision construction plan, site plan, general plan, land development application, or site development plan.

Driveway - Any privately owned area, parcel, or strip of land which provides vehicular access to a property containing a single residence, business, leasehold, or lot.

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 of that parcel.

Engineer - Any person registered and currently licensed to practice engineering by the Texas State Board of Registration for Professional Engineer

Exception - A variation or deviation from approved standards, rules or 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.

Flag Lot – A plot of land that has a narrow strip (like a flagpole) connecting it to the street and a rectangular main section behind another property.

Flood Insurance Rate Map (FIRM) – 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 the community.

Floodway - The channel of a river or other watercourse and the adjacent areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Inspection personnel - Any person designated by the Fannin County Commissioners Court to perform inspections under requirements of the County's subdivision regulations.

Lake Authority Land Use Plan - A plan providing zoning regulations for development in the unincorporated part of Fannin County located within 5,000 feet of the boundary of Lake Bonham, Lake Ralph Hall, and any other lakes built in Fannin County.

Lake Planning and Zoning Commission - The appointed board with duties and responsibilities prescribed by the Lake Authority Land Use Plan and Fannin County Commissioners.

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 group of buildings.

Manufactured Home Rental Community (MHRC) - A lot or tract of land that is separated into two or more spaces or lots that are rented, leased, or offered for rent or lease, for a term of less than 60 months without a purchase option, for the installation of manufactured homes for use and occupancy as residences.

One Time Severance- Where the owner of real property who sells an individual tract (daughter tract), or Multiple tracts (Daughter tracts) and the Owner retains a majority of the total acres (of the parent Tract) and does not intend to sever, Market and or sell additional Daughter tracts within 2 years of the first severance

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.

Planning Director - The individual appointed by the Fannin County Commissioners Court who is primarily responsible for the review of all subdivision plats for compliance with these Regulations.

Plat - A map depicting the division or subdivision of land into lots, blocks, parcels, tracts, or other portions. A replat 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, Amending - A plat which is controlling over the preceding plat without vacation of that plat, which is submitted for approval of certain dimensional and notational corrections and lot line adjustments under the provisions of the Texas Local Government Code.

Procedure, Short Plat - A review process for a plat containing lots with frontage on an existing street or road of required right-of-way width or proposed dedication of the required right-of-way width, and not requiring any additional streets or 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.

Regulations - Refers to the Fannin County Subdivision Regulations and Road Construction Standards.

Re-plat - Any map, drawing or plan to show further subdivision 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 the 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 not discretionary.

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.

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 Roads are County Roads nor are they all maintained by the County. See the definition of Street, County).

Street, Boundary or 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 subdivision.

Street, Collector - A street or road which connects thoroughfare or arterial streets with local streets or roads.

Street, County (Road) - A public street or road which has been accepted for maintenance purposes by the 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 - Any privately owned area, parcel, or strip of land which provides vehicular access to adjacent property containing multiple residents, businesses, leaseholds, or lots, and has not been accepted by the 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, Main 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 and/or Texoma Council of Governments.

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

Subdivision - The division of a tract or parcel of land into two or more lots, tracts or parcels or other divisions of land, 5 acres or less, for sale or development.

Surveyor - A person licensed to practice surveying by the Texas Board of Professional Land Surveying

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 3: SUBDIVISION REGULATIONS APPLICABILITY

3.0 Plat Required

3.0.1 The owner of a tract of land located within Fannin 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:

(i) a subdivision of the tract, including an addition;

(ii) lots ; or

(iii) 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, squares, parks or other parts. (This includes lots over 5 acres, RV parks & Manufactured home park with two lots or more that will be rented for manufactured homes)

3.0.2 A division of a tract under Subsection 3.0.1 includes a division regardless of whether it is made by using a metes-and-bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.

3.0.3 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 3.1 of these Regulations. Exemptions do not release the Subdivider from the responsibility to meet other requirements of these Subdivision Regulations, including the following:

1. Minimum Lot Frontage
2. Minimum Setback requirements

3.1 Exceptions to Platting Requirement

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

3.1.1 Lot Size

A plat is not required if:

1. All of the daughter tracts are more than five (5) 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.

3.1.2 Family Grants

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.

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, brother, sister, grandparent, grandchild, great-grandparent, great-grandchild, aunt who is a sister of a parent of the owner, uncle who is the brother of a parent of the owner, nephew or niece who is a child 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.

3.1.3 Phased Subdivisions

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.

3.1.4 Agricultural Use

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, Texas Constitution, or for farm, ranch, wildlife management or timber production use within the meaning of Section 1-d-1, Article VIII, Texas Constitution.

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 apply.

3.1.5 Veterans Purchase

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.

3.1.6 Government Land

A plat is not required for the subdivision of a tract of land belonging to the State or any State agency, board, or commission or owned by the 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.

3.1.7 Sale of Government Land in a Floodplain

A plat is not required if the owner is a political subdivision of the State of Texas; the land is located in a floodplain and the land is sold to adjoining landowners.

3.1.8 Partition Among Original Owners

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

1. all parts are transferred to persons who owned an undivided 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.

SECTION 4: PLATTING PROCEDURES

Persons subdividing land in the unincorporated portions of Fannin 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 Fannin County Commissioners Court is required before recording a final plat. The process for platting subdivisions within Fannin County will be as described in the following sections.

4.1 Plat Application and Submittal Process

4.1.1 Pre-Application Meeting

Prior to any subdivision of land and any official submittal of a plat for review it is required that the owner/developer, or owner's agent, schedule a meeting with the Planning Director. The owner or agent shall present a preliminary plat to show the street alignment and lot layout. The Planning Director will advise the owner/agent of the procedures and requirements for an official plat submittal.

4.1.2 Preliminary Plat Application Submittal

The owner/agent shall submit 2 printed copies and 1 digital copy of the following to the Planning Director, as applicable:

1. A preliminary plat prepared by a licensed surveyor.
2. A completed plat application form.
3. The applicable platting application fee.
4. Proof of Ownership for the property being subdivided. If the applicant is a designated agent of the owner, then a statement shall be provided from the property owner authorizing the agent to initiate the plat application on their behalf.
5. Required supporting documents for the subdivision. These include:
 - a. A study prepared by a registered Sanitarian or an Engineer verifying that each of the lots in the subdivision is suitable for the use of On-Site Sewage Facilities (septic systems), per TAC Chap 285.4.
 - b. Approval letter from TXDOT for driveway access on FM roads and State Highways.
 - c. A Will-Serve Letter from utility providers who will serve the Subdivision with water, sewer, and electricity, and noting when services will be available.
 - d. A drainage study or FEMA floodplain study, as applicable.
 - e. Any development agreements, private road agreements, or maintenance agreements related to the subdivision.

These documents constitute a complete application submittal. Applications that do not include the minimum requirements shall be rejected as administratively incomplete until all documents are provided. The Planning Director will notify the applicant within 10 business days of receiving the application submittal that the information is complete.

4.1.3 Action by the County Staff and Development Committee

Once the application submittal is complete, the following steps will be taken to process the application.

1. Circulate Plat and Compile Comments
 - a. The Planning Director will forward a copy of the plat to the Commissioner for that precinct in which the subdivision is located, as well as the Development Committee, to initiate the plat review for compliance with the Subdivision Regulations.
 - b. The Planning Director will forward a copy of the plat to the County 911 Addressing Coordinator who will review the plat for compliance with Fannin County 911 Addressing Regulations.
 - c. A registered DR from the Environmental Development Department will review the plat and OSSF report for compliance with sewage disposal regulations.
 - d. The Planning Director will attempt to notify local franchise utilities of the proposed subdivision plat for coordination of easements and rights-of-way.

The Planning Director will compile all comments on the subdivision plat and 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, unless the applicant submits a Waiver of 30-Day Decision under TLGC Section 232.0025(f), providing for a 30-day delay of decision.

If the property to be subdivided is located within the extraterritorial jurisdiction of a municipality, the developer shall be responsible for complying with the applicable regulations of the municipality and these Regulations. The developer shall comply with the conditions of any agreement between the County and municipality for development within the extraterritorial jurisdiction. Generally, in cases where the County and municipality have regulations that differ, the more restrictive regulation will take precedent and be enforced.

2. Modifications Requested by the County
 - a. If the Development Committee or County Staff makes written comments requesting revisions to the preliminary plat submittal, the Applicant must respond within 10 business days before the time scheduled for decision by the Development Committee.
 - b. If the Applicant does not address the comments, the Committee may recommend the following to the Commissioner's Court:
 - i. Approve the Plat Application with conditions; or
 - ii. Disapprove the Plat Application.
3. Approval or Disapproval by Commissioner's Court
 - a. After the Applicant addresses the comments of the Development Committee, as applicable, the Planning Director will prepare a report and schedule the Plat Application for decision by the Commissioner's Court.

- b. The Commissioner's Court will consider the Application and will approve, approve with conditions, or disapprove the Application.
 - c. Preliminary plat approval does not constitute acceptance of the subdivision. It only authorizes the owner/applicant to proceed with preparation of the final plat for record.
 - d. Approval of a preliminary plat is valid for one year. If a final plat is not approved within that period the owner will resubmit a new preliminary plat for approval.
4. Construction Plans Submittal and Approval by Commissioner's Court
- a. The Subdivider is responsible for Public Improvements necessary for the proper development of the subdivision.
 - b. The Subdivider is responsible for the engineering design and construction of the Public Improvements according to these Subdivision Regulations, and any Fannin County Engineering or Public Works standards adopted by the Commissioner's Court.
 - c. Construction Plans shall be submitted for review and approval by the Commissioner's Court prior to initiating construction activities.

4.1.4 Final Plat Application Submittal

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 lots are sold. The Planning Director will provide written notification of the Commissioners Court action to the owner/agent. The final plat shall be recorded with the County Clerk within six (6) months of Commissioners Court approval. A single six (6) month extension may be granted by the Court. Final plat approval does not include acceptance of streets/roads by the County for maintenance purposes. Street/road acceptance is by separate action of the Court.

An owner/developer may choose to delay approval of a final plat until all required improvements are satisfactorily completed. If so, the owner/developer shall request approval of a Declaration of Intent from the Commissioners Court to approve the final plat subject to the satisfactory completion of the roads, other public improvements and any other conditions imposed by the Court. After satisfactory completion of the roads and other improvements, the final plat will then be considered for approval by the Commissioner's Court for recording with the County Clerk.

Two (2) printed copies of the final plat together with one (1) Mylar sheet & 1 Digital copy are required.

4.2 Plat Requirements

4.2.1 Preliminary Plat Requirements

- a. The preliminary plat must be drawn on a minimum 18" x 24" sheet, having a scale not to exceed 1"=300', and including the following minimum information:
 - 1. The name, address and telephone number of the owner, surveyor and/or engineer.

2. 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 spaces, lot lines and proposed land uses.
 3. The location of the existing boundary lines of the subdivision and total acreage.
 4. A vicinity map showing the subdivision location within the county and the relationship to the nearest existing roads.
 5. A date the plat was prepared, scale and a North directional arrow.
 6. The approximate location of the 100 -year floodplain and all lots, or any part of a lot that is located within the approximate 100 -year floodplain. The source of the information shall be noted on the plat survey.
 7. The exact location, dimensions, description and flowline of all existing and proposed drainage structures.
 8. The name of all adjacent property owners with the volume and page of recordation and any adjacent subdivisions and streets and how streets in the proposed subdivision may connect with other streets in the area.
 9. Description, location and dimensions of proposed and existing utility, drainage and pipeline easements within and adjacent to the property.
- b. Maintenance responsibilities, whether private or by Fannin County, shall be noted on the plat.
 - c. Preliminary water and sewer plans shall be provided, if applicable.
 - d. The name of the water, sewer and electric utility companies providing service to the subdivision will be noted on the plat. A statement will be provided if sewage disposal is by individual on-site sewage facilities and/or water service is by individual wells.
 - e. A letter from the water, sewer and electric utility companies certifying that they will provide service to the proposed subdivision and providing a time frame for the establishment of services.
 - f. The 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.
 - g. For subdivisions proposing to use individual on-site septic systems for sewage treatment, a suitability study will be performed on the property and the study will 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 Fannin 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. Minimum lot size is one (1) Acre per the Fannin County On-Site Sewage Facility Regulations.
 - h. If the proposed subdivision is a portion of a larger tract, which will be subdivided later, a master plan of the entire subdivision will be submitted with the preliminary plat of the first proposed subdivision.
 - i. For subdivisions proposing individual water wells for water service, an engineer's report may be required to certify that an adequate supply of groundwater exists to serve the subdivision.
 - j. Road acreage to be included on all plats when dedicating roads to the county in order to account for all acreage.

- k. For all subdivisions with access to and from a FM or State Highway a letter from TX DOT stating approval of culverts and driveway access.
- l. The owner or developer shall submit an application for determination as to Apportionment of County Infrastructure cost.

4.2.2 Final Plat Requirements

Final plats shall contain and be accompanied by the following:

- a. The final plat must be drawn on a minimum 18" x 24" sheet, having a scale not to exceed 1"=300'.
- b. Final plats will show the information required by this section and as approved by the Commissioners Court for the preliminary plat.
- c. A completed application form, developer's contract and the appropriate plat review and inspection fees.
- d. Two (2) sets of development plans, showing roads, utilities, drainage etc. sealed by a licensed engineer unless written waivers are obtained from Commissioners Court.
- e. An original tax certificate from the Tax Collector of each political subdivision in which the property is located to certify that there are no delinquent taxes.
- f. A space for approval of the Commissioners Court and the County Clerk to file the plat for record. See forms in Appendix.
- g. 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. See Appendix for required language to be used on plats for public roads, private roads, and roads maintained by utility districts.
- h. A space for the approval of a municipality exercising its extraterritorial authority.
- i. The seal and signature of the surveyor or engineer responsible for preparation of the plat and the date the plat was prepared.
- j. A legal description of the property and location with respect to an original corner of the parent tract. Total acreage will be noted.
- k. The number of all lots and blocks arranged in a systematic order. The names of all streets, curves on all streets, blocks, lots and easements will include the radius, length and central angle of the curve. Lots will show area in acreage or sq. ft.
- l. The accurate location of adjacent subdivision streets, blocks, lots and easements, or a note that the adjacent property is undeveloped.
- m. A copy of the subdivision restrictions, if any, shall be properly signed and notarized and filed for record with the County Clerk with the final Mylar plat- on either short plat or regular plat- and a copy included with deed to each lot sold.
- n. The location, size and description of all permanent monuments and control points.
- o. Pay all required fees, post required bonds, make required dedications, and pay construction costs including apportioned County Infrastructure costs.
- p. 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.
- Existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by individual owners of the Lot or Lots that are traversed by or adjacent to the drainage courses along or across said Lots.
- The County will not maintain Roadways or Public Improvements dedicated by this Plat except by an express Order of the Commissioners Court, entered of record in the minutes of the Commissioners Court, specifically identifying any Roadway or Public Improvement and specifically accepting it for County maintenance.

4.2.3 Short Plat Requirements

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:

1. 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 or roads or other public easements are required to comply with these Regulations.
2. The topography of the land being subdivided and adjacent land is such that a drainage plan is deemed unnecessary or where drainage facilities are required arrangements have been made for the construction of such facilities. A topographic contour plan drawn per the requirements of a preliminary plat shall be submitted to the Planning Director for review.
3. 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 a plat thereof prepared and filed with the Planning Director.

The short plat submittal process will be the same as that for a final plat except for those items in Section 4.2.1 and as noted in this section. The Planning Director 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 fee.
- b. Two (2) copies of the final plat together with one (1) Mylar sheet & (1) Digital copy are required.
- c. Final plats will be drawn on a minimum 18" x 24" sheet at a scale not to exceed 1"= 300'.
- d. Supporting documentation with the short plat submittal shall include letters from the water, sewer and electric utility companies certifying that they will provide service to the proposed subdivision and providing a schedule for such service.
- e. A suitability study is required to verify that all the proposed lots in the subdivision will comply with the County regulations for on-site sewage facilities.
- f. Pay all required fees, post required bonds, make required dedications, and pay construction costs including apportioned County Infrastructure costs.

4.2.4 Apportionment of County Infrastructure Costs

As condition of approval of a property development the owner and developer shall bear a portion of the costs of County Infrastructure improvements by making of dedications, the payment of fees, or the payment of

construction costs. The owner and developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development, as approved by a professional engineer, who holds a license issued under chapter 1001 Occupation Code, and is retained by the county.

4.2.5 Construction Plans

All Construction plans, drawings and calculations shall be prepared and sealed by a Registered Professional Engineer licensed to practice in the State of Texas.

Construction plans are required for all infrastructures, publicly or privately maintained, including street plans, drainage plans, water system and sewer system, if any, and the location and description of all easements

- a. Street Construction Plans shall include the following:
 - The plan of the street at a scale no larger than 1 inch = 50 feet, showing the location of the proposed pavement, ditches and drainage structures within the street right-of-way.
 - The profile of the street at a scale no larger than 1 inch= 50 feet horizontal and 1 inch= 5 feet vertical.
 - the street grades and elevations
 - The ditch grades and sections
 - Typical street sections
- b. Drainage Plans shall meet the following standards:
 - a. Provide sufficient information to determine the quantity of runoff traveling to, through, and from the proposed subdivision or roadway.
 - b. Provide design calculations and supporting data to demonstrate conformance with the design criteria in these regulations, specifically including no adverse impacts to downstream or adjacent properties.
 - c. Provide drainage facilities that meet or exceed accommodations for a 25-year storm event without inundating the road, and a 100-year storm event within the right-of-way/easement.
 - d. Provide onsite (privately maintained) storm water detention/retention ponds meeting the following criteria:
 - Balances pre- and post-project runoff from all properties within the subdivision
 - Sized to detain the 100-year storm event with 1 foot of freeboard
 - Maximum side slopes of 4:1
 - Drivable embankment, minimum of 10' wide
 - Pilot channels along bottom of the pond
 - Concrete flumes where slopes are less than 0.5%
 - e. Include the following plan sheets and information:
 - Drainage Area Maps (Existing/Proposed): A drainage area map at a scale of one-inch equals 200 feet shall be provided to show the drainage area and include all streets, a hydraulic summary table and identify the boundary of the drainage area contributing runoff into the drainage system

- Existing and proposed drainage channels shall be shown, with direction of flows clearly identified. The use of existing natural drainage channels is encouraged
- Drainage easements shall be designated on the final plat as required for the drainage system shown on the engineered drainage plan
- Drainage calculations, including design flows, depths, velocities
- Storm Drainage Plan and Profiles
- Ditch Plan and Profiles, including typical sections
- Cross-drainage structure/culvert layouts with drainage design calculations and details
- Driveway pipe culvert profiles with drainage calculations
- Details for headwalls or end treatments

f. Driveways and culverts within TXDOT maintained right-of-way require separate permit from TXDOT.

g. The drainage 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.

4.2.6 Construction Bonds

Prior to approval and recording a final plat the following financial securities are required:

a. Construction Bonds

All construction shall be complete within two (2) years after approval of a final plat in a timely manner, and in accordance with the terms and specifications contained in these Regulations. The owner/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 Fannin County, Texas.

The bond amount shall be equal to one hundred (100) percent of the estimated cost of construction of roads, streets, drainage structures, underground utilities and all other construction. A written estimate of the cost shall be provided by the owner's engineer or contractor. The construction bond shall remain in full force and in effect until all of the roads/streets, underground utilities, drainage structures and all other construction have been completed. Should any or all of the streets/roads, drainage structures and/or other construction fail to meet the requirements of these Regulations, and the owner/developer fails to correct deficiencies provided in writing by either the County's inspection personnel or Planning Director, the deficiencies and /or unfinished improvements shall be completed at the cost and expense of obligees as provided.

b. Irrevocable Letter of Credit

An irrevocable letter of credit issued by a federally insured financial institution may be substituted in lieu of a construction bond. The letter of credit shall list the County Judge as the sole beneficiary and also be conditioned that the owner of the tract of land being subdivided will construct any streets or roads in the subdivision in accordance with specifications adopted by the Court and within a reasonable time set by the Court. The letter of credit shall be in an amount equal to the amount of the bond as required under Section 3.6.1, for which the letter of credit is substituted.

c. Other Financial Securities

A cash deposit or other acceptable financial guarantee may be substituted in lieu of a construction bond. To be acceptable, any other financial guarantee must provide the same security to the County as the required bond, letter of credit or cash deposit. The Commissioners Court's decision as to whether such a guarantee is acceptable is final. The amount of such cash deposit or guarantee shall be equal to the bond described in Section 3.6.1, for which it is substituted.

SECTION 5: SUBDIVISION DESIGN STANDARDS

5.1 Streets and 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 Fannin County Commissioners Court and this section. The owner/developer of a subdivision is responsible for the cost of construction for all streets/roads, drainage, and other improvements within the subdivision.
- b. Testing shall be performed by a qualified engineering laboratory if deemed necessary by the Commissioner and the cost of all testing shall be the responsibility of the owner/developer.
- c. Land proposed for subdivision must have adequate facilities, including water, wastewater, roadway access, and drainage.
- d. All proposed streets/roads within a subdivision shall connect to an existing County Road. A maximum of 30 homes may be served by a roadway with a single point of access. Where a proposed access road will serve more than 30 homes, two points of access to an existing County Road are required. Connections to a dedicated street shall be separated by a minimum of 0.25 mile.
- e. The Commissioners Court may require additional entrances to a subdivision from a county road for emergency vehicle access and to provide for increased public safety. Proposed subdivisions should have multi-points of ingress and egress platted unless waived by Commissioners Court.
- f. Streets or roads shall be classified, based upon the definitions in Section 2 of these regulations, during the preliminary plat review. The Commissioners Court shall be the final authority for interpretations of road classifications.
- g. Minimum Widths:
 - i. Local streets or roads shall have a minimum right-of-way sixty (60) feet, a minimum paved roadway surface of twenty-one (21) feet and a base course of not less than twenty-five (25) feet in width and provide improved shoulders of not less than two (2) feet on each side of the paved surface.
 - ii. Collector streets or roads shall have a minimum right-of-way of sixty (60) feet, a minimum paved roadway surface of twenty-eight (28) feet and a base course of not less than thirty-two (32) feet in

width and provide improved shoulders of not less than two (2) feet on each side of the paved surface.

- iii. Main artery streets or roads shall have a minimum right-of-way of sixty (60) feet and may be required a maximum right-of-way of one hundred (100) feet, a minimum paved roadway surface of thirty (30) feet and a base course of not less than thirty-four (34) feet in width and provide improved shoulders of not less than two (2) feet on each side of the paved surface.
- iv. Cul-de-sacs shall have a minimum right-of-way radius of sixty (60) feet, a minimum paved roadway surface of thirty-three (33) feet and a base course of not less than a thirty-five (35) foot radius and provide a perimeter improved shoulder of not less than two (2) feet.
- h. No cul-de-sac shall exceed one-thousand five hundred (1,500) feet in length between the center of the turnaround and the intersection of the cul-de-sac with another street or road.
- i. 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.
- j. 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 on-half of the required right-of-way shall be dedicated by such subdivision.
- k. 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 thirty-three (33) feet and a minimum right-of-way radius of sixty (60) feet.
- l. Street or roads shall, where practical, 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.
- m. New streets or roads which are a continuation of an existing street or road shall be a continuation, without offset, of the existing road.
- n. 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.
- o. Names of new streets or roads shall be reviewed for use by the Fannin County 911 Addressing Coordinator. 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.
- p. 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 organization shall have assessment authority to insure adequate funding for maintenance.

- q. An owner that desires to obtain final plat approval of a subdivision containing existing private/public roads within the subdivision shall provide satisfactory evidence to the Commissioners Court that said streets and roads comply with the minimum current standards for road construction as approved by the Court. The Commissioners Court may require a certification from a registered professional engineer, licensed to practice in the State of Texas that the private streets/roads do comply with County construction standards and specifications. Additional inspection and testing of the streets/roads may be required as necessary. All expenses for certification, inspection and testing shall be the responsibility of the owner.
- r. Fannin County will install and maintain street identification signs on County streets. On private streets the owner/developer shall be responsible for the installation of street identification signs.

5.2 Easements

- a. Utility easements shall be a minimum of ten (10) feet in width along the front and rear property line and a minimum of five (5) 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. This utility easement shall be located within the 60' roadway easement within 10' of the outside edge.
- b. Utility lines crossing a street or road shall 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.
- c. If new streets or roads are constructed over existing petroleum pipe line crossings the pipe shall be protected as follows:
 - Encased pipe shall be a minimum of three (3) feet below the deepest proposed ditch line.
 - Non-cased pipe (of extra wall thickness meeting federal regulations) shall be a minimum of four (4) feet below the deepest proposed ditch line.

Fannin 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.

- d. Drainage easements shall be dedicated by the owner of sufficient width and location in order to maintain and construct the storm water drainage system based on plans prepared by a registered professional engineer.
- e. Drainage easements shall generally be located along existing drainage channels and equal the top width of the channel plus ten (10) feet on each side.
- f. 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 the right-of-way and at culvert crossings may be required by the Commissioners Court for maintenance and/or protection of the street/road system.
- g. Fannin County does not provide maintenance for drainage other than for drainage necessary for protecting the county street or road system.

5.3 Lots

- a. Size: The minimum lot size for subdivisions utilizing individual on-site sewage facilities shall be one (1) acre. The minimum lot size for lots with a water well and an on-site sewage facility shall be two (2) acres. The net area for calculating lot size shall not include any drainage easements or floodplains.
- b. Easements: Sufficient space shall be provided for public and private easements such as drainage and utility easements.
- c. Relation to Road: To the extent possible, lots should be arranged such that side-lot lines are at a right angle to the fronted roadway or radial to curved roadways.
- d. Setbacks: Building setback lines shall be fifty (50) feet from the edge of the right-of-way along all state or federal roads and highways. The building setback line from all other streets and roads shall be twenty-five (25) feet from edge of right-of-way. Building setback lines shall be shown on the preliminary and final plats. For property located within any Lake Authority, the provisions of the Lake Authority and the Fannin County Commissioner's shall apply for building setback requirements.
- e. Lot Frontage: Lots shall be a minimum of sixty (60) feet in width as measured along the front property line.
- f. 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.

5.4 Drainage, Detention, and Floodplain Development Requirements

1. Drainage Design Requirements

Provide drainage facilities that meet or exceed accommodations for a 25-year storm event without inundating the road, and a 100-year storm event contained within a right-of-way, easement, or floodway.

2. Onsite Detention/Retention Requirements

Provide onsite (privately maintained) storm water detention/retention facilities (ponds) meeting the following criteria:

- Balances pre- and post-project runoff from all properties within the subdivision
- Sized to detain the 100-year storm event with 1 foot of freeboard
- Maximum side slopes of 4:1
- Drivable embankment, minimum of 10' wide
- Pilot channels along bottom of the pond
- Concrete flumes where slopes are less than 0.5%

3. Floodplain Development Requirements

Subdivisions that are located in a flood zone as shown on the current Flood Insurance Rate Map (FIRM) for Fannin County shall comply with this section. Subdivisions containing a floodway may be subject to an 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

and mitigate the impact of improvements on flood flows downstream and flood heights upstream and adjacent to the subdivision.

- a. All subdivision submittals shall comply with the current Floodplain Management Court Order, Standards for Subdivision Proposals, adopted by the Fannin County Commissioners Court.
- b. 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.
- c. The preliminary and final plat shall be noted" A development permit is required from Fannin County prior to any construction in the floodplain".
- d. In areas where detailed flood elevation information is available, permanent type benchmarks shall be set in appropriate locations with the description and elevation shown on the plat.
- e. Fannin County is not responsible for the provision and maintenance of drainage to reduce flood damage on individual private lots.

5.5 Private Subdivisions

Subdivisions utilizing private roads shall comply with the following requirements:

- a. Streets or roads shall comply with current Fannin County minimum construction standards for public streets/roads.
- b. A statement shall be provided on the plat and in the restrictions that Fannin County will never accept or maintain the streets/roads unless they meet the County construction standards in effect on the date of acceptance.
- c. A statement will be provided on the plat that the streets/roads will be maintained in perpetuity by the owners in the subdivision and provisions established for assessment of property to provide revenue for perpetual maintenance. This includes subdivisions for which the streets are constructed and maintained by a Municipal Utility District (MUD) or other water purveyor.

Acceptable provisions include:

- 1. A homeowners association shall be formed and will be responsible for street/road maintenance within the subdivision. The association will have assessment authority. Membership in the association shall be required for each property owner. A copy of the association rules shall be submitted with the plat for recording.
- 2. A Private Road Maintenance Agreement shall be in place before the final plat is approved.
- d. Each individual maintenance agreement will be reviewed by the Commissioners Court on a case-by-case basis.
- e. The plat shall contain a requirement that every deed contain a notice to each grantee that the streets/roads are private, the owners are liable for maintenance and that the quality of streets/roads may affect access by emergency services.
- f. The developer will place a sign at the entrance to the subdivision advising that the streets/roads are privately maintained. The sign will be clearly visible and will be maintained in good repair by the developer and homeowners association.

5.6 Acceptance of Subdivision Improvements

- a. Acceptance of roads and drainage improvements for County maintenance requires a separate action of the Commissioners Court. Approval of a final plat does not constitute acceptance of roads for County maintenance. Developers must maintain streets/roads for 1 year before asking Commissioner's Court for acceptance.
- b. A developer may apply for an exception to the paving requirement for local streets or roads and the Commissioners Court may grant an exception when the smallest lot in the subdivision is five (5)-acres or more in area and the roadway is owned by a homeowners association and it is privately maintained.
- c. Any exceptions to these Regulations require approval from the Commissioners Court, which shall be granted only when the Commissioners Court, in its discretion, decides that there is good cause for such exception.

SECTION 6: ENFORCEMENT

The Commissioners Court of Fannin County shall have the authority to refuse to approve and authorize any map or plat of any such subdivision, unless such map or plat meets the requirements as set forth in these Regulations.

At the request of the Commissioners Court of Fannin County, the Criminal District Attorney or any other prosecuting attorney representing the County may file an action in a court of competent jurisdiction to:

- Enjoin the violation or threatened violation of a requirement established by or adopted under these Regulations, or
- 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.
- 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.

SECTION 7: SEVERABILITY

If any provision of these Regulations or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Regulations and the application thereof to other persons and circumstances shall not be affected.

SECTION 8: WAIVER

In connection with these county regulations of subdivisions and the various requirements contained herein, the County Commissioners of Fannin County, acting as the Commissioners Court, reserve the right, upon good cause shown, to waive a requirement or any portion thereof which is shown to be unduly burdensome for the proposed development presented for approval by the court except any fees paid. There will also be no waiver on any road bonds (or letter of credit) or streets and no waiver on roads being built, whether private or public, according to county specifications.

In this regard, the factors to be considered shall include, but not be limited, to the following:

- a. The size and scope of the proposed development;
- b. The development's impact on the community and in particular the effect such requested waiver may have on the environment;
- c. The rights of the parties involved including parties or persons in close proximity to the proposed development and the citizens of Fannin County in general; and
- d. The protection of the public interest relative to the specific regulation requirement for which a waiver is sought.

Procedures:

1. An owner/developer shall make such a request for a waiver in writing specifying the particular regulation or any portion thereof sought to be waived.
2. Such written request for waiver shall be addressed to the Commissioners Court of Fannin County and submitted to the office of the County Judge with a copy to each County Commissioner.
3. The location of the proposed development shall be identified with enough information so that the proposed development can be readily ascertained.
4. The reason or reasons for such waiver request shall be plainly stated.
5. Each waiver request shall be considered and acted upon at a regular session of the Commissioners Court.

SECTION 9: STANDARD SPECIFICATIONS

**STANDARD SPECIFICATIONS
FOR
SUBDIVIDERS, DEVELOPERS, AND PRIVATE CONTRACTORS
FOR CONSTRUCTION OF PUBLIC STREETS, ROADS, AND ASSOCIATED IMPROVEMENTS
FANNIN COUNTY, TEXAS**

Technical Specifications
(Special Working Conditions)

I. SCOPE OF THE WORK:

FC 1.01 GENERAL:

The work to be done on County rights-of-way and dedicated public property consists of furnishing all materials required, all equipment, tools, labor, supervision, and all other items required to construct the improvements as shown in the plans and described in these specifications. The quantities shown in the contract are estimated quantities, based on the proposed construction as shown in the plans.

FC 1.02 PROJECT:

The project consists of the construction of street or road and street or road components, including appurtenant storm drainage facilities, located and set forth in descriptive terms, including name of subdivision and major components of the work by street or road name and subsidiary items associated with the streets or roads described as:

FC 1.03 MAJOR ITEMS:

The major items of work which are listed below or are inserted in the blank spaces may be applicable to each project:

- () Unclassified excavation with haul and finished parkway grading.
- () Subgrade finished and compacted to specifications.
- () Improved subgrade by stabilization with (lime) (cement) compacted to specifications and finished to grade.
- () Subbase of specified materials compacted to specifications and finished to grade.
- () Crushed limestone flexible base compacted to specifications and finished to grade with prime coat.
- () Two course penetration surface treatment wearing surface. () Concrete valley gutters.
- () Pipe culvert system.
- () _____
- () _____
- () _____

FC 1.04 OTHER CONSTRUCTION IN AREA:

Utility line construction is to be accomplished in the area of the street or road and street or road component construction in the project. All underground utility lines, both public and franchised, including mains and service lines which are to be located under any proposed street surface shall be properly installed prior to starting any permanent work on the street or road or on the surfaced structures or parkway improvements. The contractor shall receive assurance that such underground construction has been accomplished and backfills properly compacted before he commences subgrade compaction and subgrade finished grading. The identity and status of construction of underground utility mains and service lines must be as set forth and included as a minimum.

- () Underground water lines
- () Sanitary sewer line
- () Underground storm sewer structures
- () Gas lines
- () Underground electrical service
- () Underground telephone service
- () Underground TV cable

FC 1.05 CONSTRUCTION PROCEDURE:

The contractor shall present his proposed construction methods and procedures to the subdivider/developer and the Technical Review Staff of the County and the payer at a preconstruction conference prior to the beginning of the work. In general, all underground utility mains and service lines, including manholes, shall have been compacted or the rough grading for streets, including parkways shall be accomplished and all other street work suspended until all the underground utilities are installed complete with properly compacted backfills. After the underground utilities are properly installed, road or street construction shall progress in sequence for any section of construction, unless approved otherwise by responsible officials of Fannin County as follows:

1. Subgrade preparation.
2. Drainage culverts installed along with other similar subsidiary road or street components.
3. Subbase, complete.
4. First lift of compacted crushed limestone base course.
5. Construct all drainage valleys, inlets, retards, etc., all properly back filled.
6. Subsequent lifts of compacted crushed limestone base course.
7. Prime surface of base.
8. Street wearing surface.
9. Street or road signs.
10. Final clean up and touch up grading in between street right-of-way lines (parkway).

Any alteration of the methods or procedures agreed upon at the preconstruction conference shall be approved in writing by the County's Technical Review Staff.

SPECIFICATIONS OF THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT):

In general, the current version of TXDOT specifications are complementary to these specifications for this work. Should any conflict arise between the TXDOT specifications and those outlined in these specifications, these specifications shall prevail. The referenced TXDOT specifications are as numbered and described into the booklet entitled, "Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges," as most recently adopted by the Texas Department of Transportation. The following of these specifications are hereby made a part of this Section of this document by reference and all conditions pertaining thereto shall apply:

- Roadway Excavation
- Sprinkling
- Rolling, flat wheel
- Rolling, tamping
- Rolling, pneumatic
- Flexible Base (subbase)
- Flexible Base (crushed stone)
- Hydrated Lime and Lime Slurry
- Portland Cement Treatment for Materials in Place
- Prime Coat
- Dense-Graded Hot-Mix Asphalt
- Concrete Pavement
- Concrete Reinforcing Steel
- Corrugated Metal Culverts or Reinforced Concrete Pipe

II. EQUIPMENT REQUIREMENTS:

FC 3.01 EQUIPMENT REQUIREMENTS:

The contractor shall submit to the County's Technical Review Staff, at the preconstruction conference, a list of equipment that he proposes to use in the construction work. Such equipment shall be of the size and type to fulfill County Requirements.

III. CONSTRUCTION SPECIFICATIONS:

FC 4.01 METHOD OF CONSTRUCTION:

The order in which the work will be done shall be as agreed on at the preconstruction conference with due regard for the inconvenience to the public. Should the sequence of construction or conditions exist other than contemplated in Paragraph FC 1.05., these shall be set forth in writing and, when approved by Fannin County's Technical Review Staff, shall prevail.

FC 4.02 TRAFFIC DIRECTION, LIGHTS, AND BARRICADES:

In the process of constructing the project, the contractor shall provide flagmen, if required, to direct traffic during construction hours so that the public will be protected from moving equipment or other hazards due to the construction.

Appropriate barricades shall be provided at points where needed with approved reflectors or lights for each barricade, by the contractor.

FC 4.03 TESTING:

All new roads are required to do 2 soil samples at each end of the road to determine the soil stabilization needs. The County shall have the right, but not the obligation, to request the laboratory tests described herein. The laboratory tests shall only be required when in the opinion of the County's inspection personnel there is sufficient reason to believe that construction or materials is not in conformance to County specifications. Any testing required shall be performed by a testing laboratory accepted by the County. The cost of all testing shall be borne by either the sub-divider/developer or the contractor.

FC 4.04 UNCLASSIFIED EXCAVATION:

Unclassified excavation shall consist of the removal of all types of materials which are requested to be removed by the County from the street or roadbed and parkway area for purposes of accomplishing the construction of the street and street components and grading the parkway.

1. The contractor shall remove the materials in the manner as agreed to in the preconstruction conference.
2. Grading and excavation shall be to lines and grades established by the subdivider/developer's engineer or surveyor. Should unsuitable sub-grade be encountered, undercutting may be required.

FC 4.05 WETTED AND ROLLED EMBANKMENT:

This item consists of setting up excavated material taken from the roadbed where excavation is necessary and deposited in low places as required by the plans and specifications prepared by the sub- divider/developer's engineer. It consists of removing, placing the embankment by spreading, rolling, watering, and completely compacting the embankment and getting it into condition to receive the base material. Embankments shall be made in uniform layers not to exceed eight inches (8") of loose depth and compacted with suitable equipment. Such embankment shall have a uniform density and be compacted at or slightly above the optimum moisture content, with a density of not less than ninety-five percent (95%) of the maximum density as determined by AASHTO Test Designation T-99 (Standard Proctor).

Laboratory testing of the embankment shall be provided at the expense of the sub- divider/developer or contractor when required by the County's inspection personnel.

FC 4.06 DRAINAGE IMPROVEMENTS:

Culverts with adequate capacity for the estimated water flow and run-off shall be provided at all street and road crossings, as set forth in the plans and specifications. Such culverts shall be either corrugated metal or concrete.

Open ditch drainage parallel to the road or street shall be provided at the line and grade specified in the plans and specifications. Street intersection valleys are permitted without drain culverts required only when designed as such by the sub-divider/developer's engineer.

1. These structures shall be constructed to the lines and grades as established by the sub-divider/developer's engineer and to the proper dimensions as shown in the plans.
2. Exposed concrete on culverts, inlets, retards, headwalls, retaining walls, and other exposed concrete shall be rubbed to a smooth and uniform finish. All honeycombs shall be hammered out, coated with a concrete adhesive, and grouted.
3. Any concrete placed as part of the work shall be installed to TXDOT standards.

FC 4.07 CORRUGATED METAL PIPE CULVERTS:

Corrugated metal pipe culverts, when required, shall be of the following size based on the subdivider's/developer's engineer's design and approved by the Technical Review Staff:

| <u>Diameter</u> | <u>Gauge</u> |
|-----------------|--------------|
| 0" - 36" | 16 |
| 37"-71" | 12 |
| 72"or more | 10 |

All metal culverts shall be corrugated steel and shall have safety end treatments.

FC 4.08 CONCRETE FOR VALLEY GUTTERS:

The concrete used for valley gutters, if required, shall be Class A concrete which shall comply with TXDOT specifications and shall have a minimum compressive strength of 3000 psi at 28 days.

1. All concrete shall be formed, poured, and finished to lines and grades as established by the subdivider's/developer's engineer. The County's Technical Review Staff shall be notified when the contractor plans to pour concrete.

FC 4.09 REINFORCED CONCRETE PIPE AND FITTINGS:

Reinforced concrete pipe, when specified, shall be furnished and installed at locations as shown in the plans. The pipe shall be of the specified sizes and shall meet ASTM C76-59T, Class III, pipe specifications. Concrete pipe fittings shall be of the same quality.

1. The contractor may use alternate drainage pipe material when specified by the subdivider's/developer's engineer and approved by the Commissioner's Court.
2. The pipe shall be installed in accordance with TXDOT specifications.
3. Backfill in all areas to be paved shall be made by mechanical means. The backfill earth shall be moistened as necessary for proper compaction and shall be compacted such that the resulting backfill

will have a density from the bottom of the trench to level with the existing or proposed subgrade equal to or exceeding the density of the natural undisturbed earth in the trench sides. Backfill in areas outside of areas to be paved may be water tamped.

4. In all cases, the contractors shall blade and otherwise maintain the trench area in a neat and workman like manner until the completion of the project and final approval of the project is issued.

FC 4.10 REINFORCING STEEL:

Reinforcing steel shall conform to requirements of TXDOT specifications.

FC 4.11 PREPARATION OF SUBGRADE:

The bottom of the excavation for the pavement structure or top of the fill shall be known as the pavement subgrade and shall conform to the lines and grades as established by the subdivider's/developer's engineer. Construction staking shall be provided at the expense of the subdivider/developer or contractor.

1. The subgrade shall be prepared to a depth of approximately six inches (6") by scarifying, blading, wetting, and rolling. Such Subgrade shall be compacted at or slightly above the optimum moisture content to a uniform density of not less than ninety-five percent (95%) of the maximum density as determined by AASHTO Test Designation T-99 (Standard Proctor). Should the contractor inadvertently undercut the finish subgrade elevation, he shall fill the area with select materials and compact them as set forth in the embankment section of these specifications.
2. All soft or yielding materials ordered removed by the County's inspection personnel shall be replaced with select material which shall be compacted as required for embankments.
3. Base material shall not be placed upon wet or frozen subgrade or other subgrade, the stability of which, in the opinion of the County's inspection personnel, is unsuitable for the placement of the base material.
4. Immediately before placing base material on the subgrade, the subgrade shall be tested or inspected for compaction and conformity with the cross-section shown on the plans. If necessary, material shall be removed or added as required to bring all portions of the subgrade to the correct elevation. Any disturbed materials shall be thoroughly compacted as required.
5. The finished subgrade shall be maintained in a smooth and compacted condition until the base material has been placed.
6. Laboratory testing of the subgrade shall be provided at the subdivider's/developer's or contractor's expense, when required by the County's inspection personnel.

FC 4.12 LIME STABILIZED SUBGRADE:

This item, if required, shall consist of treating the subgrade by pulverizing, addition of lime, mixing, and compacting the mixed material to the required density according to TXDOT standards. This item applies to natural ground, embankment or existing pavement structure, and shall be constructed as follows:

1. Lime stabilization shall be required when the preliminary soils test shows a soil P.I. (Plasticity Index) of fifteen (15) or greater. Application rates shall be determined by a lime series performed by a qualified testing laboratory.

2. Laboratory testing of the stabilized subgrade shall be provided at the expense of the subdivider/developer or contractor when required by the County's inspection personnel.

FC 4.13 PORTLAND CEMENT STABILIZED SUBGRADE:

This item, if required, shall consist of treating the subgrade by the pulverizing, addition of Portland cement, mixing, wetting, and compacting the mixed material to the required density. This item applies to natural ground, embankment, or existing pavement structure and shall be constructed as required by TXDOT specifications. The stabilized subgrade shall be in conformity with the typical sections, lines, and grades as shown on the plans or as established by the subdivider's/developer's engineer.

Laboratory testing of the stabilized subgrade shall be provided at the expense of the subdivider/developer or contractor when required by the County's inspection personnel.

FC 4.14 COMPACTED CRUSHED STONE BASE:

The layer (or layers) of very high stability and density material which make up the first structural component under the wearing surface of a flexible pavement is known as the pavement base. This base shall not be less than six inches (6") thick after compaction, regardless of the treatment (s) of the subgrade or subbase to provide an adequate foundation for the street or road.

1. All areas to be paved shall have a flexible base, unless otherwise specified. The base material shall be crushed stone as approved by the County or shall meet TXDOT specifications for Type A, Grade 1, Base Material. The material shall be graded according to "Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges" as adopted by TXDOT. Such material shall be free of clay and dirt.
2. The compacted thickness of the base shall be as specified by the subdivider's/developer's engineer and as contained in the contract documents approved by the Commissioner's court but shall in no cases be less than six inches ("6"). Recommend deleting this sentence.
3. The base material shall be compacted in at least two lifts, although the contractor may use more if he wishes. The contractor shall place the flexible base materials on the approved subgrade (or subbase) and blade, water, and roll the base material until it is set up to the apparent required density, but subject to test.
4. The base course material shall be compacted to have a uniform density of not less than ninety-five percent (95%) of the maximum density as determined by AASHTO Test Designation T1 80, Method D. Laboratory testing of the base shall be provided at the expense of the subdivider/developer or contractor when required by the County's inspection personnel.
5. After the first lift has been installed and approved by the County's inspection personnel, the contractor may place additional material on the prior lift(s) of the base and compact it as specified for the first lift. Additional material shall be added until the resulting surface conforms to the cross-section as shown in the plans or grade sheets. Should the County's inspection personnel so direct, the contractor shall blade up sections of the base material and recompact it in the event that small amounts of material need to be added to bring the section to grade. The cross-section shall be within one-half inch (1/2") of that specified and the longitudinal variation shall not exceed one inch (1") in sixteen feet (16').
6. Care shall be taken in the mixing of the base material so as to prevent 'nests' or sections of fine or coarse material concentrated in one area. All areas and 'nests' of segregated coarse or fine material shall

be corrected or removed and replaced with well graded material. Such replaced material shall be thoroughly compacted as specified for the base.

7. After the cross-section and line of the base has been approved, the contractor shall thoroughly wet the surface of the material and roll with approved rollers until the surface of the base material is covered with a thick coat of rock dust paste. He shall then close the section of street or road so prepared to traffic for a period of twenty-four (24) hours, if possible. If conditions are such that closing to traffic is not desirable, the contractor shall keep the areas along the traffic lanes moist, and, if necessary, roll the edges daily so that the entire cross-section will cure at the same rate.
8. After the base material has been set up to these requirements and shaped to proper dimensions, the contractor shall clean the base until all loose material has been removed by brooming and blading. The base shall then be primed in accordance with the section on Asphalt Prime Coat of these specifications.

FC 4.15 ASPHALT PRIME COAT:

After the base has been approved for cross-section and grade alignment and determined suitable to be primed, the contractor shall then apply a prime coat of asphalt to the base at the rate of 0.20 to 0.25 gallons per square yard of surface or as specified by inspection personnel. The asphaltic materials used for this prime coat shall be NC-30 or equivalent. Any puddles of asphalt shall be blotted with clean, sharp sand.

1. Should it be necessary for traffic to use such primed streets, the surface of the prime shall be covered with a thin layer of a minimum of three (3) days in hot weather (80°F and rising) and longer if the County's inspection personnel deems necessary, before the wearing surface is applied. In the event the prime coat does not completely cover the surface of the base material at the end of the curing period, or foreign material has stuck to the surface, the contractor shall clean the primed surface and make such repairs as may be necessary in the prime coat and base before proceeding with the wearing surface.
2. Prime coat shall not be applied when the air temperature is below 60°F and falling, but it may be applied when the air temperature is above 50°F and rising. Asphaltic materials shall not be placed when general weather conditions or surface of the street, in the opinion of the County's inspection personnel, are not suitable.

FC 4.16 TWO-COURSE SURFACE TREATMENT:

This item shall consist of a wearing surface composed of two applications of asphaltic material, each covered with aggregate, constructed on the prepared base course in accordance with specifications herein. Minimum specifications for materials and quantities shall be as follows:

| ITEM | FIRST COURSE | SECOND COURSE |
|-------------------|--------------------------------------|--------------------------------------|
| Prime Coat | MC-30 or Equivalent | |
| Application Rate | 0.20-0.25 Gal / SY | |
| Asphalt | AC-5, AC-3, RC-2 or CRS2 Emulsion | AC-5, AC-3, RC-2 or CRS2 Emulsion |
| Application Rate | 0.3 Gal / SY | 0.35 Gal / SY |
| Stone | Type B - Grade 2 | Type B - Grade 4 |
| Application Rate | 80/SY per CY | 110/SY per CY |
| Size of Stone | 1/2" to 5/8" | 3/8" to 1/2" |

1. The first course of AC-5, AC-3, RC-2 or CRS2 Emulsion at specified temperatures shall be uniformly applied and followed immediately by mechanical rock or chip spreading equipment prior to initial cooling of the liquid asphalt. Stone aggregate shall be clean and free of dirt, dust, or debris from stockpiling. The stone will then be rolled with the steel wheeled roller specified serving to break down and to imbed the stone aggregate into the liquid asphalt prior to it having significantly cooled. Steel wheel rolling may be limited to one single uniform set of slightly overlapping passes of the specified pneumatic roller until evidence of liquid asphalt is no longer apparent through the aggregate.
2. The second course of asphalt, AC-5, AC-3, RC-2 or CRS2 Emulsion, shall be placed and followed as described for the first course, but shall show no signs of missed strips due to improper guiding of the distributor or due to clogged or inoperative nozzles on the asphalt distributor. Areas of uneven aggregate distribution or of excessive bleeding of liquid asphalt shall be hand-worked and rolled as directed by the County's inspection personnel.

FC 4.16B DENSE-GRADED HOT-MIX ASPHALT PAVEMENT:

This item shall consist of a wearing surface composed of Hot-Mix Asphalt installed in accordance with the specifications prescribed in the TXDOT Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges, Items 340 and 341, incorporated here by reference.

Where the engineer of record specifies the use of a Hot-Mix Asphalt paving surface, the final surface layer shall be a minimum of 2" thick HMA Type D Asphalt.

FC 4.16C CONCRETE PAVEMENT:

This item shall apply to any road where a concrete pavement is specified by the engineer and authorized by the County. All concrete pavement shall be installed in accordance with the specifications prescribed in the TxDOT Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges, Items 360, incorporated here by reference.

The minimum pavement thickness for concrete roads shall conform to the recommendations in the geotechnical report, and in no case less than 6" thick.

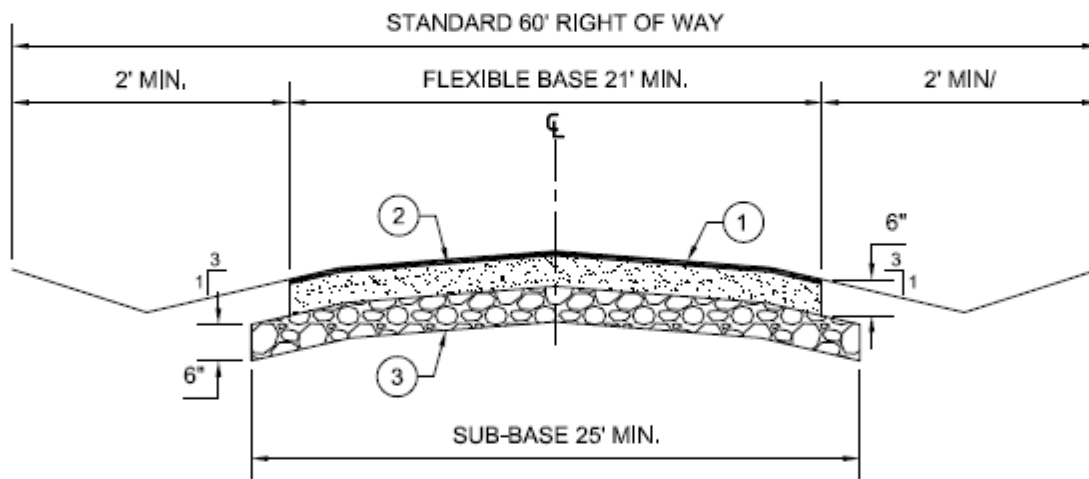
All concrete pavement shall have a minimum compressive strength of 4,000 psi at 28 days.

FC 4.17 EXCESSIVE BLEEDING:

The contractor shall be responsible for blotting or chatting any areas along the newly constructed street or road which shows evidence of excessive bleeding when exposed to traffic or warm weather.

FC 4.18 STREET SIGNS:

All streets and roads must be named and marked with permanent, long-lasting material, such as fiberglass, etc., signs with letters at least four inches (4") high. The use and installation of signs designating 'County Maintenance Ends' shall be required where private roads adjoin or intersect public roads constructed under the technical specifications set forth herein. Such 'County Maintenance Ends' sign or signs shall be in conformity as to size, color and installed height with the "Texas Manual on Uniform Traffic Control Devices" as used by TxDOT.



ONE TRAVEL LANE & TWO PARKING LANES
N.T.S.

- ① PRIMER & TWO COURSE ASPHALT TREATMENT.
- ② 6 INCHES OF FLEXIBLE BASE (SDHPT SPECIFICATIONS) COMPACTED TO 95% STANDARD PROCTOR DENSITY, 21 FT. MIN.
- ③ SUB-GRADE OR SUB-BASE, 6 INCHES MINIMUM, COMPACTED, 25 FT. MIN.

FANNIN COUNTY TEXAS

TYPICAL STREET DETAIL

APPENDIX A: FORMS

Form 1: Plat Application

Form 2: Plat Certifications

Form 3: Developer's Contract Template

Form 4: Bonham Lake Authority Development Application

Form 5: Request for Waiver of Subdivision Regulations

Form 6: One-Time Severance Application

FORM 1 – Plat Application

PLAT APPLICATION

Fannin County Planning Department Bonham, Texas 75418

DATE: _____

TYPE OF PLAT: _____ Preliminary Plat _____ Short Form _____ Final Plat _____ Replat

DESCRIPTION OF PROPERTY:

Addition Name _____

Total Number of Acres _____ Total Number of Lots _____

Size of Lots (min./max.), _____

Location of Property _____

Location in Lake Bonham Zoning District? Yes _____ No _____

Location in Extraterritorial Jurisdiction of a Municipality? Yes _____ No _____

If Yes, Name of Municipality: _____

OWNER/APPLICANT INFORMATION:

Owner: _____ Owner’s Agent: _____

Address: _____ Address: _____

Email: _____ Email: _____

Phone No.: _____ Phone No.: _____

Person to be Contacted Regarding this Application: _____

Phone Number of Contact _____ Date Application Submitted: _____

Additional Comments Regarding Application: _____

Application Submitted By: _____

(Signature)

Printed Name: _____

Note: Allow ten business (10) days for plat review and written comments. Verify correct number of plats are submitted with this a along with supporting documentation and payment of applicable fees to Fannin County.

FORM 2 – Plat Certifications

Plat Notes for County Officials

The following certifications shall be included on plats submitted for County approval. The appropriate dedication statement shall be provided and shall be coordinated in advance with County Staff and Commissioner.

County Commissioners Approval

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF FANNIN

I, _____, County Judge of Fannin County, Texas do hereby certify that this final plat, having been presented to the Commissioners Court of Fannin County, Texas and by the said Court, was on this day approved and the plat is authorized to be registered and recorded in the proper records of the County Clerk of Fannin County, Texas.

County Judge
Fannin County, Texas

DATE

County Clerk Certification

County Clerk Certification

The undersigned, the County Clerk of Fannin County, Texas, does hereby certify that on the ___ day of _____ 20___, the Fannin County Commissioners Court by appropriate minute order did approve this final plat of _____ and did approve the same for filing in the plat records of Fannin County, Texas

Certified this ___ Day of _____ 20__

County Clerk
Fannin County, Texas

FOR SUBDIVISIONS PLATS WITH DEDICATION OF PUBLIC ROADS & EASEMENTS:

Acceptance of Dedication of Any Public Ways

Certificate Acceptance of Dedication

The undersigned, the County Clerk of Fannin County, Texas does hereby certify that on the ____ Day of _____ 20____, that all the owners of real property described above did execute and deliver unto the Fannin County Commissioners Court their dedication of streets, alleys, parks, easements, rights-of-way, and other public areas as identified on the plat map, to the public, a copy of which is affixed to the face of this plat; and the Fannin County Commissioners Court did by appropriate minute order accept the dedication of noted streets, alleys, parks, easements and other public areas on behalf of the public.

Certified this ____ Day of _____ 20____

County Clerk
Fannin County, Texas

FOR SUBDIVISION PLATS HAVING PRIVATELY OWNED/MAINTAINED ROADS:

Dedication Statement for Privately Maintained Roads

The undersigned owner of the above described property states and acknowledges that the ____ - foot wide strip of land designated as _____ is 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 road nor a County road of which all buyers or transferees of adjoining property are hereby notified and should take notice.

Fannin County, Texas, will never accept or maintain the streets/roads in the _____ Subdivision unless they meet the County construction standards in effect on the date of acceptance. The streets/roads of _____ will be maintained in perpetuity by the owners in such subdivision and provisions shall be established for assessment of property to provide revenue for perpetual maintenance.

Every deed related to ownership of property in _____ shall contain a notice that (i) the streets/roads are private, (ii) the owners are liable for maintenance and (iii) the quality of streets/roads may affect access by emergency services.

Witness my hand on this ____ Day of _____ 20____

Owner

FORM 2 – Plat Certifications, page 3

FOR SUBDIVISIONS PLATS WHERE ROADS WILL BE OWNED/MAINTAINED BY A UTILITY DISTRICT:

Fannin County, Texas, will never accept or maintain the streets/roads in the _____ .

The streets/roads of _____ will be maintained in perpetuity by the owners in such subdivision and provisions shall be established for assessment of property to provide revenue for perpetual maintenance.

Every deed related to ownership of property in _____ shall contain a notice that (i) the streets/roads are maintained by the MUD (ii) the owners are liable for maintenance and (iii) the quality of streets/roads may affect access by emergency services. (iv) On dissolution of the MUD the road maintenance will fall directly to the property owners in the Subdivision.

Witness my hand on this _____ Day of _____ 20__

Owner

FORM 3 – Developer’s Contract

Page 1 of 3

DEVELOPER'S CONTRACT

STATE OF TEXAS }{

COUNTY OF FANNIN }{

This agreement entered into this _____ day of _____ 20___, by and between the Fannin County Commissioners Court (hereinafter referred to as FCCC) and _____ (hereinafter referred to as Developer),

WITNESSETH THAT;

WHEREAS, as the Developer desires to obtain approval of proposed improvements to the subdivision known as _____, and to have the FCCC approve the streets, roads and drainage improvements, the Developer and the FCCC have reached agreement in regard thereto:

NOW, THEREFORE, in consideration of the premises, the Developer and the FCCC do enter into the following agreement:

- A. Upon the execution of this agreement, the plat, plans, specifications, and orders of the FCCC, made in connection with the approval of this project, are confirmed, ratified, and agreed upon by both parties and the Developer agrees to comply with such orders of FCCC as applicable to said Subdivision; and all work will be done under the supervision of the FCCC to County standards and in accordance with applicable County regulations.
- B. The plat, plans, specifications, and County orders of the FCCC, referred to in Part 'A' above, are made a part thereof.
- C. The Developer will pay for and transfer ownership to the County or legally recognized homeowner's association (or equivalent), free and clear of all liens and costs, all of the improvements provided by the plat, plans, specifications, and orders of the FCCC as mentioned in Part 'A' and 'B' above.
- D. The Subdivision may be developed in segments, but no construction of any building or any lots within the Subdivision (if the improvements are constructed in segments) shall occur nor shall public utilities be supplied to any of said lots within the second segment, until financial guarantees are deposited with the County, (if any of the improvements are to be constructed by the County) or contracts and performance bonds as hereinafter required for the first segment are delivered to and accepted by the County.

DEVELOPER'S CONTRACT

Page 2 of 3

- E. No work shall be performed within the proposed Subdivision until the Developer presents to the FCCC a satisfactory financial guarantee in favor of the County. Such guarantee shall be made for one hundred percent (100%) of the contract price for all streets, roads, and drainage work to be installed in the new Subdivision, and shall be in the form as promulgated by the FCCC.
- F. No public facilities will be made available to any lot within any segment until the work on each segment is performed as agreed upon.
- G. All of the plans and specifications of the improvements herein mentioned shall be prepared by a Texas Registered Professional Engineer, and all of the improvements shall be built under the supervision of such engineer, and the engineer shall certify to the County that, as each segment is built, such segment as built is true and correct in accordance with the plans and specifications, and that same was built under his supervision, and the certificate shall be signed and sealed by such engineer. All of the expenses of such engineering shall be paid for by the Developer. All contracts and engineering shall be delivered to the County.
- H. Before work is begun on any improvement, the County shall be notified and arrangements made for inspection by the County at such stages of construction as required and no improvement constructed underground shall be covered by the Developer until inspected by the County. At any time any construction is contrary to the plans and specifications, or the installation is not satisfactory to County specifications, the County shall be empowered to stop construction and require correct construction and installation at the Developer's risk and without liability to the County.
- I. The work will be coordinated between the County and the Developer so that the utilities will be in place before the permanent improvements are installed.
- J. The requirements of this contract shall be binding on the Developer's heirs, executors, and assigns, and the Developer agrees to notify the assignee of any undeveloped lot of the requirements of this contract before any conveyance is made.
- K. The Developer will make his own arrangements with gas, electric, and telephone service for extensions of their utilities.
- L. TIME LIMITATIONS: All conditions, requirements, approvals, inspections and other actions Referred to herein shall be completed within twelve (12) months of the date of this agreement.
- M. SPECIAL PROVISIONS:

INDEMNIFICATION

THE DEVELOPER SHALL COMPLY WITH THE REQUIREMENTS OF ALL APPLICABLE LAWS, RULES AND REGULATIONS, AND SHALL INDEMNIFY AND HOLD THE COUNTY, ITS AGENTS, REPRESENTATIVES, OFFICIALS AND EMPLOYEES, HARMLESS FROM AND AGAINST ANY AND ALL CLAIMS, SUITS, LIABILITIES, COSTS, DAMAGES, EXPENSES, INCLUDING ATTORNEYS FEES, ARISING, DIRECTLY OR INDIRECTLY, OUT OF THE DEVELOPER'S PERFORMANCE, OR NON-PERFORMANCE OF THE ACTIVITIES, SERVICES, OR SUBJECT MATTER CALLED FOR IN THIS AGREEMENT, AND SHALL ASSUME FULL RESPONSIBILITY FOR PAYMENTS OF FEDERAL, STATE AND LOCAL TAXES ON CONTRIBUTIONS IMPOSED OR REQUIRED UNDER THE SOCIAL SECURITY, WORKER'S COMPENSATION AND INCOME TAX LAWS.

IN WITNESS WHEREOF parties have caused this agreement to be executed in duplicate as of the first date above written.

DEVELOPER:

By: _____

ATTEST:

FANNIN COUNTY COMMISSIONERS COURT:

Fannin County Clerk

Fannin County Judge

FORM 4 – Bonham Lake Authority Development

GUIDELINES REQUIRED FOR DEVELOPMENTS IMPACTING BONHAM LAKE AUTHORITY EASEMENTS (OR ANY OTHER WATER DISTRICTS' EASEMENTS THAT MAY BE CREATED BY OR WITHIN FANNIN COUNTY OR BY THE FANNIN COUNTY WATER COMMITTEE) AND FANNIN COUNTY EASEMENTS ON FLOODWATER RETARDING STRUCTURES IN FANNIN COUNTY

DEVELOPMENTS IN THE WATERSHED OF A FLOODWATER RETARDING STRUCTURE, BUT OUTSIDE OF THE GRANTED EASEMENT AREA:

- I. Development plat with mean sea level contours.
- II. Storm Water Pollution Prevention Plan.

DEVELOPMENTS WITHIN THE GRANTED EASEMENT AREA OF A FLOODWATER RETARDING STRUCTURE:

- I. Metes & Bounds survey locating works of improvements that minimally includes location & elevation of the following:
 - A. Front toe of embankment.
 - B. Back toe of embankment.
 - C. Centerline or front and back of crown.
 - D. Emergency spillway components: forebay, crest, exit channel and dikes.
 - E. Principal spillway components: top of riser, riser ports, outlet and plunge basin.
 - F. Utility lines, other easements and/or rights-of-way (both existing and proposed).
 - G. Sediment pool contour. (permanent water level)
 - H. Principal spillway contour.
 - I. Emergency spillway crest contour.
 - J. Emergency spillway crest plus 2 ft. contour
 - K. Top of dam contour
 - L. All proposed works of improvement within easement area
 - M. Fenced area around works of improvement
- II. Complete Development Plan
 - A. Topographic Map for all phases of the development.
 - a. Topographic map with mean sea level elevation contours before development.
 - i. Identify all items listed above in Item I.
 - B. Identify all roads, lots and utilities.
 - a. Topographic map with mean sea level elevation contours after development.
 - C. Drainage Area Maps
 - a. Drainage map of entire watershed area.
 - b. Drainage map of project area.
 - D. Storm Water Pollution Prevention Plan.
 - E. If development has any fill below top of dam elevation, road fill, pipelines, or any modifications proposed to the works of improvement, the following is required:
 - a. Flood routings at flood prevention structure. Prefer TR20 or DAMS2 programs.
 - i. Routings of existing conditions prior to development.

- ii. Routings of developed conditions after development.
 - b. Input data for routings.
 - i. Input data before development.
 - 1. Schematic map showing subdivided watershed areas.
 - 2. Curve numbers.
 - 3. Times of concentration.
 - ii. Input data after development.
 - 1. Schematic map showing subdivided watershed areas.
 - 2. Curve numbers.
 - 3. Times of concentration.
 - c. Stage storage data to top of dam. The stage storage data should be documented, including appropriately presented topographic information for before and after development.
 - i. Stage storage data before development.
 - 1. Cross sections of detention and sediment pool if alterations are made.
- F. Maps, construction plans and specifications for any works of improvement within the easement area.
- G. Provide a construction quality assurance plan for works of improvement within the easement area.
- H. Revegetation plan

DEVELOPMENT DOWNSTREAM OF ALL FLOODWATER RETARDING STRUCTURES:

- I) Development plat with mean sea level contours. If adjacent to dam, the dam and all its features as listed in items I. Above shall be shown on the plat. If development is not adjacent to dam, show relationship of development to dam.
- II) Develop and furnish breach analysis. Show water surface elevations on a plate and floodplain map with contours. Show floodplain cross section locations on plat.
- III) If floodplain is modified:
 - A. Develop and furnish new breach analysis.
 - B. Develop a map that identifies modified contours.
 - i. Show floodplain cross section locations on map.
 - C. Plot floodplain cross sections showing modifications and development improvements:
 - i. Show original natural ground and modified ground surface used in breach analysis.
 - ii. Show water surface elevations of the before and after breach analysis.

- iii. Show development improvements on the cross sections such lots, house pads and streets including elevations.

NOTE: THESE ITEMS ARE THE BASIC ITEMS REQUIRED BEFORE A LAKE BONHAM AUTHORITY (OR ANY WATER DISTRICT ESTABLISHED WITHIN FANNIN COUNTY OR THAT MAY BE CREATED BY THE FANNIN COUNTY WATER COMMITTEE OR FANNIN COUNTY) REVIEW WILL BE INITIATED. ADDITIONAL SITE-SPECIFIC INFORMATION MAY ALSO BE NEEDED TO COMPLETE THE REVIEW PROCESS. ALL LOCAL, STATE AND FEDERAL PERMITS MUST BE RECEIVED BY THE DISTRICT BEFORE MODIFICATIONS WILL BE REVIEWED.

_____, Chairman

_____ Water Improvement District

_____, Chairman

_____ Water Conservation District

Fannin County Judge

FORM 5 – REQUEST FOR WAIVER

REQUEST FOR WAIVER OF REQUIREMENT OF THE FANNIN COUNTY SUBDIVISION REGULATIONS

Pursuant to Chapter 7 of the Fannin County Subdivision Regulations, Owner/Developer hereby requests a waiver of the following Subdivision regulation(s).

Owner/Developer hereby requests waiver of the following subdivision requirement(s) for the following reason:

| Section# | Reason for request |
|----------|--------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

Owner Date

Survey & Abstract # _____

Amount of Acres _____

Buyer

FORM 6 - One Time Severance

One Time Severance of a Tract of Less than Five Acres

A plat is not required for the division of a tract of less than 5.00 acres if:

- 1) Owner/Seller is not acting as a developer as defined by these Regulations;
- 2) Owner/Seller has not made a conveyance of less than 5.000 acres from the Parent Tract in the preceding 2 years;
- 3) Owner/Seller will not make another conveyance of less than 5.000 acres from the Parent Tract during the following 2 years after the current conveyance;
- 4) The Severance Property has existing legal access and actual access to and from an established public right- of-way; and
- 5) The Owner/Seller does not lay out any streets, alleys, squares, parks, and no part of the tract is to be dedicated to public use.

An affidavit or statement of fact made by the Owner/Seller which establishes the existence of the above stated conditions exempting a tract from platting requirements, and which is filed of in the Official Public Records of Fannin County contemporaneously with the instrument of conveyance, or which is filed separately therein with sufficient legal reference to the instrument of conveyance, shall be prima facie evidence that the severance was excepted from platting requirements.

Owner

Buyer

Survey & Abstract# _____

Amount of acres _____

Date _____

APPENDIX B: FEE SCHEDULE

One time Severance

- Base fee \$250

Preliminary Plat

- Base fee \$500
 - o Plus \$50/Lot
 - o Plus Engineering Fees

Phased developments will be assessed on the master lot layout for all phases in the subdivision, and will include the base fee plus the per lot fee for all lots in the master plan of the subdivision for the preliminary plat. Subsequent phases will be assessed based on the number of lots for that phase.

Final Plat

- Base fee \$250
 - o Plus \$50/Lot
 - o Plus Engineering Fees

Replat

- Base fee \$250
 - o Plus \$50/Lot
 - o Plus Engineering Fees

Short/Minor Plat

- Base fee \$250
 - o Plus \$50/Lot

Amending Plat (for correction of errors only)

- Base fee \$75

Engineering and Drainage Plan Review Fee

- Cost of 3rd party review

Flood Study Review Fee

- \$2,000

Construction Inspection Fee

- Base fee of \$1,000 or 2% of construction cost for streets and drainage improvements
- Re-inspection fee is \$100/trip

Cancellation fees will be the same as filing fees. No fees will be waived.

APPENDIX C: REGULATIONS FOR FAMILY CEMETERIES

Family cemeteries established within a Subdivision shall follow the guidelines of the Texas Department of Health and the guidelines/restrictions of Fannin County.

Contact the County Commissioner in which the Subdivision is located or the County Clerk regarding restrictions such as, but not limited to, flood plain, subdividing land and platting requirements, drainage, underground cabling, deed restrictions etc.

Additionally, it will be required to provide a survey plat showing the location of the property in which the cemetery will be designated, along with metes and bounds description. Show designated route to and from the cemetery property site known as ingress and egress allowing public access. (Survey certification required by Professional Land Surveyor).

Survey plat with metes and bounds shall be filed of record with an affidavit, executed and notarized by the landowner describing the dedication of the land that designates the land exclusively for cemetery purposes with the office of County Clerk in which the land is located. The filing of the affidavit and survey with the office of the County Clerk makes other individuals aware of the location of the cemetery on the land.

APPENDIX D: FEES AND ENFORCEMENT

SECTION A. FORMS AND FEES

The Commissioners' Court will develop forms and establish fees as may be required for the proper administration of this order.

SECTION B. ENFORCEMENT PENALTIES

Any violation of this order is a Class C misdemeanor. Each day a violation occurs is a separate offense. The commissioners' Court may file for injunctive relief or civil penalties, or both, for any violation or threatened violation of this order.

Amendments to the Fannin County Subdivision Regulations were introduced and passed by an affirmative vote of the Fannin County Commissioners Court. Adopted this ____ day of _____, 202__.

Dale McQueen, Commissioner Pct. 1

A.J. Self, Commissioner Pct. 2

Jerry Magness, Commissioner Pct. 3

Doug Kopf, Commissioner Pct. 4

Newt Cunningham, County Judge

State of Texas *

County of Fannin *

I, Tammy Biggar, County Clerk of the County of Fannin do hereby certify that the above and foregoing is a true and correct copy of the Amended Subdivision Regulations made and entered by the Commissioners' Court of Fannin County in regular session, on the ____ Day of _____ 2023, as it appears of record in the Minutes of said Court.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS ____ DAY OF _____, 20 ____

COUNTY CLERK, FANNIN COUNTY