

APRIL 30, 2019

WISE COUNTY DEVELOPMENT RULES AND REGULATIONS COMMITTEE

On this the 30th day of April, A.D., 2019 at 3:00 P.M. came on to be had a Meeting of the Wise County Development Rules and Regulations Committee of Wise County, Texas held in the Large Conference Room of the Wise County Elections Administration Office (200 S Trinity Street) of said County in the town of Decatur with the following members present and presiding:

J.D. Clark		County Judge
Danny White	Absent	Commissioner, Precinct No. 1
Kevin Burns		Commissioner, Precinct No. 2
Harry Lamance		Commissioner, Precinct No. 3
Gaylord Kennedy	Absent	Commissioner, Precinct No. 4

Sherry Lemon, County Clerk and Ex-Officio Clerk of Commissioners' Court when and where the following proceedings were had, to-wit:

All attachments referred to in the minutes of the Wise County Commissioners' Court are designated original or copy and are provided at the time of action by the Court unless otherwise indicated by provider.

County Judge Clark votes aye on all agenda items unless otherwise indicated.

County Engineer Chad Davis called the meeting to order at 3:00 PM. Those present include Davis; Clark; Burns; Lamance; Commissioners Court Attorney Thomas Aaberg; County Attorney James Stainton; Kimley-Horn and Associates, Inc. Professional Engineers Jenifer Tatum and Kyle Welden; and Public Works Director Joey Highfill.

1) Welden stated this item is for discussion of any other items previously discussed and none needs to be addressed today.

Davis clarified that the county is going to review all plats having three lots or less; and, anything over three lots will be reviewed by Kimley-Horn and Associates, Inc.

2) Clark stated the county held off on the RV park discussion item as Stainton has been working on this with Attorney Jim Allison (County Judge's and Commissioners Association attorney) regarding road standards for recreational vehicle (RV) parks. Clark stated the county can require an RV park to have a road built to county road standards.

Stainton briefly discussed the history about this item. Stainton told the committee that he contacted Walker County about their road requirements for RV Parks and mobile home rental communities. Stainton stated that Walker County requires both types of communities to meet county road standards. Stainton discussed working out a deal with a current property owner about this issue who will most likely put in a county standard road within the next five years.

Stainton discussed conversation with Allison about having county specification roads across the board. Burns asked if all roads will be to county specified width? Stainton said that Walker County allows differently road widths in RV parks similar to some state park roads. Stainton commented that Walker County requires mobile home rental communities to meet county specifications width.

Burns and Lamance discussed cul de sacs. Davis commented about emergency service needs and road width. Burns commented that he would prefer this to not be subjective. Stainton commented about getting with Commissioners Court Attorney Thomas Aaberg regarding drafting a letter agreement. Aaberg asked if this will be on the development plan? Highfill stated this wouldn't be on the development plan.

Highfill asked about changing the design standard requirements for RV parks? Welden commented that this could be part of the variance process. Clark stated that the county could consider a half-width for an RV park and make that a one way road. Highfill asked if that could be added to the design standard that it would be half-width one way so the developer needs to know what their design plan will be upfront? Stainton briefly discussed this with Highfill and the committee.

Davis discussed if the development has more than twenty-five spaces it would need to be treated like a regular development. The committee discussed this further specifically the safety aspect of road width. Burns stated the county may have to put it in the rules about granting a variance and would have to figure out how to accommodate a large number of temporary residents.

Stainton commented about making all roads for RV parks and mobile home rental communities to standard county width specifications across the board and consider granting variances in specific situations. The committee discussed this simplifying the process; keeps the county in control; and allows the county to engage with developers before a lot of development begins.

Davis asked the committee who will maintain these county roads? Davis asked if these will be considered county roads? Highfill and Burns commented that these roads in RV parks and mobile home rental communities will be private roads built to county road specifications. Welden commented about this further. Davis confirmed that all RV park roads are going to be private but built to county standards. Highfill stated these will follow the development plan.

Lamance asked if the county has "teeth" to require the developer to build the roads to county specifications even though the road will be privately maintained? Davis and Highfill confirmed.

Davis asked if any further clarification is needed for this item? Welden asked if the committee wants to remove the definition of a recreation vehicle from the Development Rules and Regulations. Welden confirmed providing clarification to the section about mobile home rental communities and RV rental communities.

Highfill asked the amount of time before the Development Rules and Regulations will be approved? Clark and Welden confirmed that anything presented prior to the court approval will operate under existing rules. Clark confirmed the court will not be able to propose these changes until the May 13, 2019 meeting. Highfill asked if there is a way to impose a moratorium stating he received nine requests last week? Stainton confirmed that the current rules apply until the changes are adopted by the Commissioners Court.

Tatum and Stainton discussed policy change regarding the interpretation of mobile home rental communities. Stainton explained the action Walker County took regarding this situation in their county.

Clark discussed Davis and Highfill giving developers a heads up that the rules are likely to change in the near future. Clark clarified that they're not encouraging developers to speed up their process. Welden commented that as the developer is asking questions they're most likely coordinating with an engineer. Highfill commented that he has told the last few developers the committee is in the process of looking at changes to see what is currently in effect.

Stainton briefly discussed a Collin County lawsuit regarding RVs. Davis asked Welden and Tatum if there will be a definition to add to the DRR? Welden confirmed. Davis commented that the court will discuss the proposed rules; will set a public hearing date 30 days from the court meeting; and will set a date for approve the proposed changes. Clark discussed setting a special meeting date for this item.

Clark discussed setting a meeting date for June 17, 2019 9:00 AM public hearing; and 9:30 AM meeting to adopt proposed changes.

3) Davis stated this item is to address revisions to the platting process. Clark stated the proposed revisions will streamline the process.

Highfill commented that developers/owners are going to so many different places and proposed to streamline the process making it a "one-stop-shop". Highfill proposed the following:

- Accept the platting application once an owner/developer has the packet complete. Ten-day begins when the packet is complete. Tatum commented that a previous attorney interpreted the ten-day requirement to begin once the filing fee was paid. The committee discussed this further.
- If a development is three lots or less review of the plat will be in-house. Any developments over three lots will be reviewed by Kimley-Horn and Associates, Inc.
- All developments funneling through Public Works on the development side of the department. Tatum commented Wise County Development Services is now collecting the plat filing fee. Burns and Davis commented this will help the County Judge's office and eliminate confusion by the County Treasurer's Office regarding fee collection.

Tatum commented about changing language in the DRR to submit documents to Wise County Development Services. Welden commented about adding an email address to forms for Wise County Development Services.

- Highfill referenced several areas in the DRR that referenced “consulting engineer” and asked if this may be removed. Tatum stated she will do a find/replace of the DRR document and take care of that. Highfill also asked about adding Public Works Director on Page 2(B3) before “etc.” Aaberg discussed that the previous Public Works Director would not get involved and this addition may affect any future office holder for Public Works.
- DRR Page 12: “Request for variance cost of \$200.00”. Highfill told the committee that he doesn’t think the county has been charging the fee. Burns confirmed the county hasn’t charged it for variances on lot frontage and drainage because they are so prevalent. Burns stated the county should stipulate the fee to be assessed for variances other than drainage study and lot frontage.
- DRR Page 14: Add “and Development Services” to Public Works OSSF contact information.
- Highfill asked about changes regarding school and county tax forms? Burns and Davis confirmed it is a combined form now that the Wise County Tax Assessor/Collector is doing all collections. Burns commented the schools have received notification.
- DRR Pages 18,22, and 62: Highfill re: letter from ETJ city. Highfill wants this to go away. Clark commented the letter is only if the developer is subdividing. Clark stated if the developer isn’t subdividing the city has no authority. The committee further discussed this. Clark stated the letter is only required if the developer is not platting. Welden stated the intent of this item is to regulate platting for septic permitting. Welden stated this is to ensure that property is platted if it needs to be. Clark asked if the statement needs to say “If the county requires the property to be platted in an ETJ a letter from the city is required.” Clark stated it isn’t the city’s rules whether the property owner plats. Tatum stated this can be removed because it was required by Highfill’s predecessor. The committee agreed the language needs to be removed from the DRR. Highfill confirmed this verbiage is not in the Interlocal Agreement for ETJ.
- Add Highfill to the section “Construction General” for pre-construction conference.
- Stainton discussed road issues in two mobile home rental communities. Stainton stated there is a question as to the definition in the DRR about mobile home rental communities. Welden and Tatum stated it is from Local Government Code. The committee further discussed this definition. Tatum stated there may be a comma in the wrong place in the WC DRR. Tatum stated that Allison said one way to handle this item is to list all structure types. The committee decided to remove this statement from the DRR and discussed the scenarios that would apply.
- DRR Section 7.04 “Or another person designated” Welden commented the Commissioners Court has designated the Public Works Director in the past.
- DRR Page 65: Certificate of Compliance. Aaberg requested the committee get with Walker County to see how they handle this issue. Tatum commented it comes from state law, too. Stainton commented that in the past there has been an issue with having no

- documentation of conversations for development plans. Burns commented that it is documented on the development plan and on the plat. Stainton commented about using this within Development Services in order to affirm what is discussed and avoid misinterpretation or questions in the future.
- Highfill re: not doing a development plan if the owner is not platting. Aaberg discussed commercial, industrial, or multi-unit residential regarding Highfill's question. Tatum commented if the property owner is subdividing their property they are subject to the platting requirements and, if not, they still have to meet septic requirements (planning materials under 285).
- Highfill requested to add an application date to the development application document. The committee discussed Development Services stamping the document when it comes in for approval. Welden confirmed that Highfill is not considering an application complete until all documents are received. Welden and Clark commented that streamlining the process through Development Service will create a shorter process for the developer/owner. Highfill asked about when the 10-day start begins? The committee discussed efficiencies and inefficiencies in the current process.

Highfill stated that he will deliver the platting documents to the County Judge's office once all documents are received by his office.

4) The committee discussed subdivision of property without platting and the subsequent sale of property. Highfill discussed this in terms of septic permit issuance. The committee agreed the property should have been platted and it is the seller's responsibility. The committee also agreed that in that scenario the property should be platted by the current owner. Stainton discussed enforcement with the committee. Welden and the committee discussed education to the real estate associations about the DRR. The committee discussed permitting as it relates to septic permit issuance.

The committee meeting adjourned at 4:46PM there being no further discussion to be had.

Minutes approved this 28th day of May, 2019, as printed.

J.D. Clark
J.D. Clark, County Judge, Wise County

Absent
Danny White, Commr. Pct. No. 1

Kevin Burns
Kevin Burns, Commr. Pct. No. 2

Harry Lamance
Harry Lamance, Commr. Pct. No. 3

Gaylord Kennedy
Gaylord Kennedy, Commr. Pct. No. 4

ATTEST:



Shirley Lemon
County Clerk and Ex-Officio Clerk of Commissioners' Court,

The Wise County Commissioners' Court adopted revised **Rules of Procedures, Conduct & Decorum at Meetings of Wise County Commissioners' Court** on March 25, 2019.