

AUGUST 6, 2019

WISE COUNTY DEVELOPMENT RULES AND REGULATIONS COMMITTEE

On this the 6th day of August, A.D., 2019 at 2:00 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	Absent	Commissioner, Precinct No. 2
Harry Lamance	Absent	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.

1) County Engineer Chad Davis called the meeting to order at 2:00 PM. Those present include Davis; Clark; Commissioners Court Attorney Thomas Aaberg; Kimley-Horn and Associates, Inc. Professional Engineers Jenifer Tatum and Kyle Welden; and Public Works Director Joey Highfill.

Davis stated there are some legislative (HB 3167) changes that will take effect on September 1, 2019 that will affect the plat approval process. Davis stated the changes will reduce the approval time from 60 to 30 days. Davis told the committee he doesn't see where this approval process addresses preliminary plat approval. Highfill and Aaberg told Davis that they both agree that the 30 day approval includes all approval types (preliminary plat; final plat; development plans, etc.).

Tatum told the committee that the statute allows for a letter stating reasons for disapproval of items in the platting process and the county thereby meets the requirement. The committee agreed that the disapproval reasons will comply with the legislative rules.

Davis asked if the 30 days is calendar or business? The committee agreed it is calendar days.

Aaberg discussed concerns in the statute language regarding extra-territorial jurisdiction (ETJ) agreements with municipalities and discussed this further. Davis asked this in light of county approval of platting.

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Davis asked the ramifications if the development is in the city's ETJ and the plat is approved by default? Aaberg told the committee that the county does have ramifications but has no way to go after the development. Aaberg discussed communication with municipalities regarding this statutory change.

The committee briefly discussed items currently under review from the City of Decatur. The committee also discussed the parts of the statute that affect the municipalities as well as the parts pertinent to counties.

Clark asked Tatum her thoughts on the statute? Tatum stated that from a county stand-point Kimley-Horn and Associates, Inc. has always operated under a ten-day rule for rejection. Tatum stated she doesn't see this time change as being an issue. Tatum stated that if a plat exceeded the time requirement it would have to be signed without Commissioner's Court approval.

Tatum asked for clarification about the section of statute regarding the development review plan. Tatum stated she reviewed other county's plat review plan. Tatum stated that after review of the bill analysis she couldn't find a justification for this change. Tatum stated there may be counties that require development review plans for pipeline development. Tatum told the committee that she feels this needs a TAC opinion. Aaberg agreed with Tatum. Clark stated this may be a good question for Attorney Jim Allison. Davis discussed the development aspect of this statutory change.

Welden questioned language regarding Subdivision Construction Plan as to whether that is regarding lot or infrastructure construction. The committee discussed statutory requirements regarding preliminary platting. Tatum read Local Government Code 232.003 regarding county platting. Tatum stated that she feels preliminary platting is standard under this statute.

The committee further discussed preliminary platting; the pre-check process; and statutory requirements and the effects on future phases of development. Tatum discussed the effects on the drainage designs.

The committee discussed changes to the existing Development Rules and Regulations. Tatum commented this statute will change the rules a lot. Davis asked if this would change anything other than the time frame? Tatum commented that if the preliminary platting process is eliminated then the fees would need to be restructured. The committee discussed preliminary platting as part of standard engineering processes. Aaberg discussed impacts on roads, drainage, and public safety.

Welden commented that the county could require a preliminary drainage plan and discussed this further. Aaberg told the committee that the Wise County Development Rules and Regulations already list the reasons for requiring a preliminary plat.

Highfill commented that developers must have everything in place before they submit a development application.

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Aaberg discussed requesting the Commissioners Court to designate a representative (Judge Clark) to sign plats that do not require drainage studies (which have to go to court for variance) in the event that the time is running out (statutorily) for plat approval. Clark commented that this would keep a lot of the plats off the agenda. The committee discussed this further including changes in plat phrasing regarding commissioner's court approval.

Davis asked the committee if there is a change in the field on as-built plans if that is what goes in as the final plat. Tatum commented that the final plat is filed before the maintenance period begins. The committee further discussed this topic. Davis asked if the county needs to keep a copy of any changes if the changes aren't recorded by the County Clerk. Tatum commented that historically Kimley-Horn and Associates, Inc. has kept the changes.

Highfill and the committee discussed the time frames for Preliminary Platting (30 days) and Final Plats (30 days). Aaberg asked for scenarios where the county wouldn't require a preliminary plat. Tatum stated some smaller developments do not require preliminary platting.

Welden discussed reasons for rejection of plats by the county and suggested having rules in place to back up the rejections. Tatum told the committee that DRR language clean up would be required regarding the statutory requirements.

Davis asked how this statutory change will affect Kimley-Horn and Associates, Inc? Tatum told the committee Kimley-Horn and Associates, Inc. is operating under the 10-day rule and doesn't think this will change anything. The committee discussed that the 30 days is regarding a complete plat application but doesn't dictate the developer's timeframe. Highfill discussed changing plat application wording that the 30 days doesn't start until all items are complete.

Clark stated the committee could consider wording "An application with incorrect information will not be considered complete until all information is provided."

Davis asked Highfill whether the plat applications are stamped when presented to Development Service? Highfill told the committee the office stamps plat applications. The committee recommended that plat applications not be stamped until the application is complete. Highfill discussed the plat review process. The committee discussed presenting the developer with a letter of completed application. Welden discussed Kimley-Horn and Associates, Inc.'s process for this question; and, the committee discussed this further.

The committee discussed the 30-day requirement again. Aaberg and Davis commented that review can begin once all documents are complete. Davis stated review can begin when documents are received while the developer is obtaining other supporting documents. Tatum clarified the 10-day requirement per Local Government Code 232.0025. Welden discussed needed language to the letters "Plat application is not approved because of these items". Aaberg commented that proof is needed to back up the rejection letter.

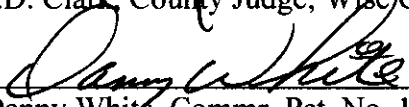
Tatum asked Welden about whether Kimley-Horn and Associates, Inc.'s letters need to go to Clark or to Development Services? The committee further discussed the court's designee for plat approval. Aaberg discussed his thoughts on this statutory requirement and interpretation. The committee discussed necessary wording changes to the DRR and provision of the amendment on the county website.

Aaberg asked Highfill to contact the City of Bridgeport and see how the municipality is going to handle this statutory requirement.

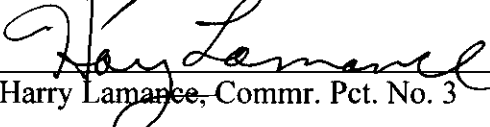
3. Davis adjourned the committee meeting at 3:17 PM there being no further business to be discussed.

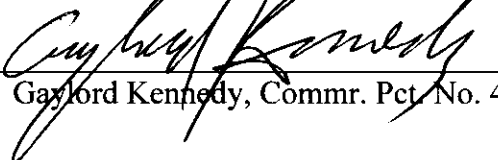
Minutes approved this 9th day of September, 2019, as printed.

J.D. Clark, County Judge, Wise County

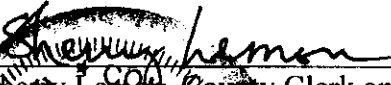

Danny White, Commr. Pct. No. 1

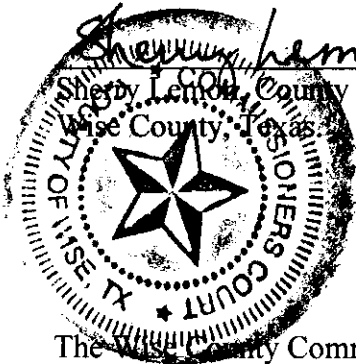

Kevin Burns, Commr. Pct. No. 2


Harry Lamaree, Commr. Pct. No. 3


Gaylord Kennedy, Commr. Pct. No. 4

ATTEST:


Sherry Lendon, 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.