

MAY 3, 2022

WISE COUNTY DEVELOPMENT RULES AND REGULATIONS COMMITTEE

On this the 3rd day of May, A.D., 2022 at 9:00 A.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
John S. (Biff) Hayes		Commissioner, Precinct No. 1
Kevin Burns		Commissioner, Precinct No. 2
Danny Lambert	(Absent)	Commissioner, Precinct No. 3
Gaylord Kennedy		Commissioner, Precinct No. 4

Sherry Lemon, County Clerk and Ex-Officio Clerk of Commissioners' Court by Amanda Knox, Chief Deputy 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 9:00 AM. Those present include Clark, Davis, Hayes, Burns, Kennedy, Public Works Director Joey Highfill (and Planning Assistant, Kiley Vian), Kimley-Horn and Associates, Inc. Professional Engineers Kyle Welden, and Shelby Warchesik; and, 911 Addressing Director Wacy Beck.

1) Clark discussed the process to submit items from the committee to Commissioners Court. Clark stated that Davis needs to send items to Commissioners Court as the committee chair and that Kimley-Horn and Associates is here for referrals.

Davis discussed the current issue of drainage impacts on county roads where developments are being built on existing county roads; how infrastructure isn't being done to handle that impact; and, the road maintenance and safety hazard issues that arise from this practice. Davis discussed that the cost of infrastructure development should not be a burden on existing county taxpayers but should be the developer's responsibility.

Burns proposed that the committee recommend to the court to add to the Development Rules and Regulations to not approve a plat until the engineering/grade work/infrastructure is complete. Burns recommended no preliminary plat and final plat be presented/approved the same day.

Highfill and Burns discussed plat approval and eligibility to file and approved plat.

Welden discussed the infrastructure improvements comparing this to how it relates to construction plan approval with final plat being submitted later.

Highfill, Vian and Burns discussed requirement of preliminary plat as it relates to infrastructure improvements for developments. The committee discussed requirement of preliminary plat; site visits and the possibility of a pre-development meeting.

Welden discussed a possible way of doing this without requiring a preliminary plat. Welden stated a preliminary plat is currently required on subdivisions with more than three lots. Welden stated this was put into place because of the number of developments being created along county roads. Welden continued the current provision requires grading and construction plans (if necessary) along with a final plat (if necessary) if improvement is required along a county road. Welden confirmed with Burns that Burns wants to see construction plans and improvements to be completed before a final plat is approved.

Welden discussed the goal of preliminary platting; drainage; and size of subdivision. Burns discussed the cumulative effect of drainage; topography; and public safety. Burns discussed subjectivity. Clark asked Welden if under the improvements Welden referenced earlier something could be added that a commissioner reserves the right to address before recommending a plat for approval. Welden discussed the subjectivity of this statement depending on how a commissioner feels about a development or developer and how hard it is to hold up (defend) that statement. Burns and Welden discussed the need to provide clear guidelines in the Development Rules and Regulations (DRR). Burns discussed the issuance of a variance to the DRR for drainage on that situation. The committee further discussed topography and the review process.

Burns discussed the need for the engineer and commissioner to have "boots on the ground" at the development site regarding drainage impact. Highfill asked when the commissioner will make a decision about the drainage impact. Burns discussed the life safety issue from drainage impacts. Highfill confirmed with Burns that all plats must have a preliminary plat unless granted a variance. Vian confirmed with Burns that when a surveyor or developer submits a final plat she will tell them that she cannot accept the plat and the person needs to get with the commissioner providing the person a letter for the commissioner to sign-off stating the party doesn't have to have a preliminary plat returning said letter to Vian. Vian stated she's concerned about having to do refunds if its determined the preliminary plat isn't required.

Clark asked if it will be simpler to require a pre-development meeting for all plats. Burns commented the pre-development meeting needs to be on-site. The committee discussed whether the county can require a pre-development meeting. The committee discussed drainage study requirements and variances for drainage studies.

Welden commented that if the county changes DRR policy to allow no variances for drainage study the county is in a better position to back up what the county wants to do. Burns told the committee the drainage study must include grading. Warchesik stated Section 6 of the DRR discusses grading. Welden recommended creation of a section after drainage study that addresses grading along existing county roads that ties back to construction plans.

Davis discussed that there still needs to be a situation where a drainage plan variance can be granted.

Welden stated a drainage study needs to be submitted regardless in order to be fair and consistent from a development standard practice. Burns commented that it is not in the county's best interest not to grant a drainage variance. The committee discussed exceptions to allow for variances to drainage studies.

Welden commented that the county has discussed that the issue of when to give a variance for a drainage study has been an issue for as long as he's been working with Wise County. Welden continued that the concern of a burden on an individual mom and pop subdivision has always been an issue and if continued concern becomes a larger burden on the majority of taxpayers due to additional improvements to county roads. Welden stated that it may come to "This is the cost of subdividing property in Wise County." Welden commented that it's not an easy decision. Burns stated a drainage study protects the property owner. Kennedy discussed drainage plan variance scenarios in Precinct No. 4.

Clark stated that he doesn't know how the DRR can prohibit a commissioner from granting a variance. Welden stated that from a policy standpoint the stance is that a drainage study is required until a commissioner says, "no." Burns stated that issuance of a drainage study should not be a financial decision but a purely topographic or re-platting decision.

Clark commented about the historic usage of a drainage study variance. Highfill commented about assessing costs for all variance types. Clark reiterated Welden's comment about required drainage study for all plat types (preliminary, final, and re-plat) to Highfill.

Montague County surveyor Patrick Walters (Walters Surveying) commented about customer confusion about subdividing requests and shared access road. Walters continued that he doesn't know what to tell his customers half of the time based on the DRR. Vian provided some background about what Walters discussed as it relates to exemption to platting.

Welden commented that all exemptions to platting go back to Texas Local Government Code Chapter 232. The committee confirmed it is not Wise County's policy but is state statute. Clark confirmed that Wise County Development Rules and Regulations are local rules; and, the county doesn't list state statute in the local rules.

Vian requested clarification from the committee about whether the committee is good with Development Services creating a letter (on a final plat) requesting the person platting get with the commissioner to sign off that everything is good and presenting that letter as part of the plat package? Highfill commented that he doesn't see any changes being made after all of this discussion and all goes back to commissioners granting a variance.

The committee determined that no changes are being made and all will go back to the drainage study requirement.

Vian also requested clarification about requiring payment for all variance types. Welden commented it is in the DRR already. The committee discussed this further. Vian commented that the committee removed the payment requirement for drainage plan variance or road frontage variance (\$200.00). The committee continued discussion. Welden commented variance cost is addressed under 1.10(b) "Minimum lot frontage and drainage plan variances requests shall not require a fee for variance." Welden commented this language can be removed and replaced with "variance request charge (any type) is \$200.00/per variance."

Welden confirmed Kimley-Horn and Associates will add a grading section that addresses grading along existing county roads that will tie back to construction with construction being completed prior to final plat approval. Welden continued this will also include a pre-construction meeting and final walk through. Welden confirmed a two (2) year maintenance bond will not be required. Burns discussed vegetation and grade work review. Davis stated that the county doesn't currently require pre-construction meeting on developments on existing county roads. Welden commented the maintenance bond doesn't currently apply to things not maintained by the county. The committee discussed this further. Welden told Davis Kimley-Horn and Associates will review maintenance period requirements so the rules are consistent regardless of the type of construction.

Davis asked Welden to submit the updates to Davis for submission to the courts? Hayes, Davis, and the committee discussed individual email communication with commissioners.

2) Old Business

a) Clarification on exemptions:

Highfill stated the DRR section regarding exemptions is almost verbatim from LGC 232. Highfill stated that while there are 10-12 exemptions the county only sees two or three. Highfill asked for clarification for LGC 232. Clark and Welden confirmed that the information is placed in the DRR for reference and isn't intended to change state law.

The committee discussed at length agriculture exemption; burden of proof regarding exemption and use of property. Clark stated that agriculture exemption is a taxation thing and not a platting thing.

Highfill discussed family exemption.

Warchesik referenced back to the Texas Constitution Article 8 1-d (1) regarding agricultural use of property. "Agricultural use means the raising of livestock or growing of crops, fruit, flowers, and other products of the soil under natural conditions as a business venture for profit, which business is the primary occupation and source of income of the owner." Welden stated the burden of proof is on the owner and that platting is based on the subdivider. Welden commented there are multiple exemptions in statute that do not necessarily apply to all counties.

Page Five, May 3, 2022 DRR Mtg...

Walters asked a question about family platting and requested a restriction of ownership before selling. Welden and the committee confirmed that if the property is transferred out of the family it must be platted. The committee discussed platting under existing rules instead of future platting.

Highfill discussed acreage over 10.01 acres with no improvements. Welden discussed septic requirements and lack of county authority. The committee discussed this further. Clark stated the county plats property to protect the future of the county.

No changes to this sub-item. Davis stated this item will be brought up at a next committee meeting and requested Highfill bring any changes/clarifications from Commissioners Court Attorney Thomas Aaberg, if any. Highfill commented that he wants to make sure the county is going by the law and not just “what we’ve done for the last twenty years”.

Clark commented that, at the end of the day, it comes down to Aaberg’s interpretation as he will be defending the county.

b) Mailbox language:

Davis and Burns stated the only change is to bold “breakaway design only”. Clark stated that Hayes received calls about existing brick mailboxes in people’s neighborhoods.

Davis confirmed with Welden that the public doesn’t know what (American Association of State Highway and Transportation Officials) AASHTO guidelines are. Clark stated AASHTO guidelines can be spelled out with examples. Welden stated that design standards typically reference back to AASHTO guidelines. Davis recommended attaching a set of TxDOT AASHTO guidelines to the driveway permit documentation.

Highfill discussed different mailbox types and whether they meet AASHTO guidelines. Davis commented that on new developments it’s not usually a problem because of cluster mailboxes. Davis discussed the safety to the public and mailboxes near the right-of-way. Davis requested the committee get clarification in the DRR about mailboxes. Davis discussed attaching a condensed picture of the AASHTO requirements to the driveway permit.

The committee discussed referencing AASHTO in the DRR and giving the owner/developer something to look at as an example in the DRR.

Welden commented the driveway permit will be updated to match the DRR. Burns commented the DRR needs to be republished periodically. Welden commented about updates to the DRR and how it is presented for the public.

Davis clarified that Kimley-Horn and Associates will provide clarification of language of what the county requires per AASHTO guidelines and simplification for people who want to install a mailbox.

3) New Business:

a) Quarterly Meetings:

Davis stated that the committee doesn't currently have quarterly meetings and discussed scheduling conflicts. Clark told the committee that he placed this on the agenda because there's so much coming up and feels if the committee knows it's going to have a quarterly meeting it will allow time in the interim to get clarification on items. Burns recommended the committee meet immediately following the first meeting on the month in March, June, September and December. Clark commented the committee meeting is an open meeting and recommended the committee meet at 1:30 PM.

The committee scheduled the next meeting for Monday, June 13, 2022 at 1:30 P.M. with meetings to be held quarterly in March, June, September, and December following the first Commissioners Court meeting of the month.

b) Items for future study/discussion:

Clark placed this item on the agenda as a standing item to allow for review by Aaberg or Kimley-Horn and Associates prior to the next meeting.

Kennedy discussed RV park and manufactured home rental community road standards. The committee discussed this item further. Clark commented there is nothing wrong with sharing information between committee meetings as long as there is no discussion on the items.

Davis and the committee discussed whether Amendment No. 4 information can be ready before the May 9, 2022 meeting.

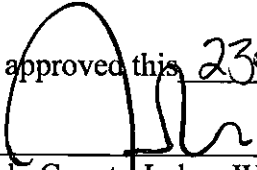
Clark stated that County Judge Executive Administrative Assistant Colleen Self keeps a list of upcoming items for the Commissioners Court and asked Davis if he thinks it would be best to get DRR committee meeting information to Self, too.

Clark clarified that developers should approach members of the DRR committee for items to be placed on the Commissioners Court agenda and not be able to place items on the agenda directly through the County Judge's office.

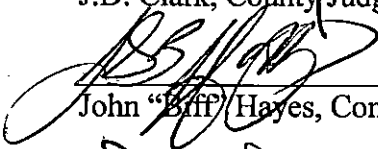
The committee discussed holding the Amendment No. 4 items until the May 23, 2022 meeting.

The meeting adjourned at 11:11 AM, there being no further business to be had by the committee.


Minutes approved this 23rd day of May, 2021, as printed.



J.D. Clark, County Judge, Wise County



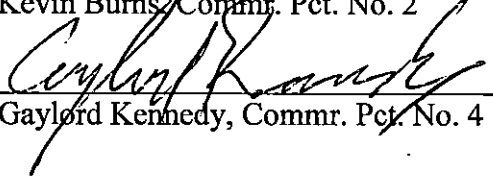
John "Biff" Hayes, Commr. Pct. No. 1



Kevin Burns, Commr. Pct. No. 2

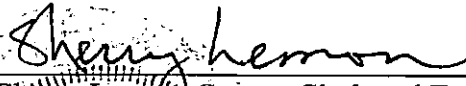


Danny Lambert, Commr. Pct. No. 3

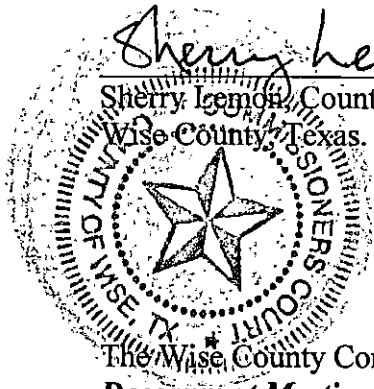


Gaylord Kennedy, Commr. Pct. No. 4

ATTEST:



Sherry Lemon, County Clerk and Ex-Officio Clerk of Commissioners' Court,
Wise County, Texas.



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