

AUGUST 18, 2016

**WISE COUNTY COMMISSIONERS COURT
WISE COUNTY DEVELOPMENT RULES AND REGULATIONS COMMITTEE**

On this the 18th day of August, A.D., 2016 at 10:00 A.M. came on to be had a Special Meeting of the Commissioners' Court of Wise County, Texas Wise County Development Rules and Regulations Committee Meeting held in the Wise County Elections Office (200 S Trinity Street) in the town of Decatur with the following members present and presiding:

J.D. Clark	(ABSENT)	County Judge
Danny White		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:

County Engineer Chad Davis posted the agenda calling the committee meeting.

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.

1) County Engineer Chad Davis called the meeting to order at 10:00 AM. Committee members present were Davis; Burns; Lamance; Commissioners Court Attorney Thomas Aaberg; Kimley-Horn and Associates, Inc. Engineer Jeni Tatum; Kimley-Horn and Associates, Inc. Engineer Kyle Weldon; and, Public Works Director Tom Goode. Commissioner Pct. 1 Danny White was also in attendance. A quorum of Commissioners Court members were present.

Davis stated that platting fee changes to the Development Rules and Regulations was to be the main part of discussion at this meeting. Davis stated this was reviewed during budget meetings with Clark and County Auditor Ann McCuiston to determine how much the county is getting offset in Kimley-Horn and Associates, Inc. platting fees and platting fees from developers and has been determined to be about 20% of what the county is spending with Kimley-Horn and Associates, Inc. Davis stated that developments are coming in and the county isn't seeing any money coming back in from fees for development because of the decline in property values. Davis wishes to discuss possible changes in fees to offset this loss.

2) Burns stated this will require more upfront money as money isn't received until the developer finally plats the property. Goode asked about developments in Fort Worth's extra-territorial jurisdiction (ETJ)? Tatum stated that the county isn't getting any reimbursement from those. Tatum stated the developers in municipal ETJs talk to Kimley-Horn and Associates, Inc. during the development process and the developer doesn't pay Kimley-Horn and Associates, Inc.

Lamance asked about ETJ? Burns and Goode discussed platting in a municipality's ETJ. The committee discussed ETJ issues and rules.

Tatum commented that municipal law doesn't require platting if the property is less than five acres. Tatum continued that the county doesn't have to plat if the property is less than ten acres. Aaberg discussed municipal/county platting laws. Goode and the committee discussed ETJ and annexation of county property into a municipality.

Goode asked about changing county standards to meet municipal standards? Burns stated that state law is 10 acres and cannot be changed. Tatum discussed the discrepancy between municipal and state law regarding platting requirements.

Lamance asked Tatum if the City of Decatur uses Kimley-Horn and Associates, Inc. Tatum stated engineering development review is the only part done for City of Decatur. Aaberg discussed platting and ETJ options based on statute. Tatum stated that City of Runaway Bay and the City of New Fairview did not want platting authority. Burns told the committee, "Unless we're going to go back on the agreement we have no control." Aaberg stated an agreement has to be in place one way or another.

Lamance confirmed that the county is being charged by Kimley-Horn and Associates, Inc. if questions regarding a Wise County plat in a municipality are asked of Kimley-Horn and Associates, Inc. or any review is done. Lamance commented about the current significance of the cost; and, Davis told Lamance that it could become significant if it isn't already. Lamance asked for a remedy?

Burns told Lamance that the county may have to bill the City of Fort Worth for engineering services when they ask a question of Kimley-Horn and Associates, Inc. Davis stated the developer needs to be billed if asking questions of Kimley-Horn and Associates, Inc. because they are making money off this, too.

White asked Tatum why Kimley-Horn and Associates, Inc. can't say when a city calls with a Wise County plat in the city's ETJ: "We're not able to help you with that answer since we're working for Wise County and you're in Tarrant County"? Tatum stated that most of the time spent at Kimley-Horn and Associates, Inc. is when the city has questions about the more stringent rules. Tatum continued that over time that may go away as municipalities understand which rules must be enforced. Tatum stated that Kimley-Horn and Associates, Inc. isn't getting reimbursed when the cities of Bridgeport, Decatur and Fort Worth request courtesy reviews. Tatum explained this is a quick review to make sure the road way dedications are compliant with the Thoroughfare Plan because there have been issues where roadway dedications needed to be changed or a drainage plan has been requested. Tatum stated this has not been significant. Burns stated it is in the county's best interest to continue this as it may be some time before that area is annexed into the city and they need to be taken care of it the city isn't taking care of them. Burns discussed that they're not accustomed to it. White discussed reimbursement from the cities when the county is being charged. Burns and Davis discussed benefits to the county and

possible future costs if developers don't do a drainage study. White told the committee that he doesn't understand how it is in the county's control to tell a municipality who is platting within their ETJ to do a drainage study. Burns said that they are supposed to follow the most stringent rule and that the county doesn't require it either. Burns said that the county grants a lot of variances for drainage study. Davis discussed possible effects to the county's future and the investment to the county.

Burns asked Tatum the cost in a year's time? Tatum said that this effort isn't as big as other things being dealt with and estimated 10% approximately \$7,000.00 for ETJs. Aaberg asked if Davis can look at that part of platting as he knows about the Thoroughfare Plan and Floodplain? Davis told Aaberg that the county is going into a lot of growth plans and changes are coming that the county needs to be ready for. Burns said that Davis is the County Engineer not the outside engineer (like Kimley-Horn and Associates, Inc.). White asked why this is being discussed if nothing is going to change? Tatum stated there is more to this than ETJ reviews.

White asked about raising fees for developers to recoup some of the county money spent with Kimley-Horn and Associates, Inc?

2) Tatum stated that Kimley-Horn and Associates, Inc. met with Clark and Davis a few months ago to discuss platting fees. Tatum told the committee that the last review of the fee structure was around 2004-2006. Tatum reminded the court of the 2006 surge in developments and it has been ten years since the fees have been reviewed. Tatum told the committee that they reviewed what other counties are charging developers in platting fees and noted the second page of the Kimley-Horn and Associates, Inc. agenda for this meeting showing the platting fees for Wise, Collin, Denton, Ellis, Hays, and Kaufman Counties. (See attachments)

Tatum explained that the comparison is not "apples to apples" because there are other components to what other counties charge differently than Wise. Tatum stated that many other counties charge an upfront flat charge with a "per lot" fee. Tatum told the committee that Hays County is often looked to as a resource because TAC has Hays County's Development Rules and Regulations as an example for other counties. Tatum stated Hays County's "per lot" charge is significantly higher than other counties. Tatum used the La Brezus 96-lot subdivision in Precinct No. 2 as an example and told the committee that the county would receive approximately \$33,000.00 upfront for review based on the current Hays County schedule as opposed to \$11,000.00 received over time under the current Wise County schedule.

Tatum discussed receipt of payment under phases and that Hays County charges most of their fees upfront. Tatum told the committee that coming up with a schedule similar to Hays County is fairer to the county and is something the committee may want to consider.

Burns asked if Hays County is receiving funds under "Plat Submittal under 1445 Interlocal Agreement" (Page 3 of handout) and told Tatum this may solve the previously discussed issue. Tatum stated the Interlocal Agreement of those cities listed would have to be reviewed. Burns requested this be looked into and suggested a similar fee.

Lamance asked what "eats up" the \$11,000.00 fee the county receives during platting? Burns told Lamance the areas reviewed by Kimley-Horn and Associates, Inc. Goode told Lamance the county is going to pay \$30,000.00 (for example) to Kimley-Horn and Associates, Inc. for those services. Tatum told Lamance Kimley-Horn and Associates, Inc. is paid by the hour and is not paid a flat rate. Tatum commented about the increase in developments in Wise County. Goode discussed floodplain issues with developments. Burns recommended writing a letter to municipalities regarding the HB 1445 Interlocal Agreement regarding courtesy reviews done by the county; collection of fees per lot; and relinquishment of platting authority should the municipality not choose to pay the fee.

Goode discussed mirroring Hays County in fees and Interlocal Agreement if possible. Tatum discussed issues with overlapping of items. Tatum told the committee that some of the larger subdivisions are creating municipal utility districts (MUD); and, Goode commented about incentives for creating MUDs. Davis told the committee that Senator Craig Estes advised there will be a lot of legislation in the next session regarding MUDs. White told the committee he is all for developments maintaining their own roads and drainage. Lamance and Davis talked to White scenarios if the developer won't/can't maintain subdivision roads. White discussed county and private road maintenance.

Tatum told the committee that Hays County charges \$500.00 plus \$400.00/per lot for a preliminary plat as compared to the Wise County \$800.00 plus \$25.00/lot. Burns and Tatum discussed cost and preliminary platting requirements. Tatum noted the Final Plat fee with no roads is \$750.00. Tatum told the committee that Hays County requires preliminary plat for all subdivisions. Tatum suggested instead of Wise County having the final plat and construction plan with roads on a per lot basis consider changing to prelim plat at \$800.00 plus "X" amount per lot. Burns said to up our per lot cost. Tatum said to increase so the county can recoup cost on serious developments. Tatum suggested changing the structure for the final plat and construction plans. The committee discussed possible preliminary plat fees. Burns suggested \$800.00 and \$250.00/lot for preliminary plat fee.

Tatum and the committee discussed "Final Plat and Construction Plans with roads" fee schedule. Tatum discussed developments being done in phases and timing of payment. Davis discussed development during economic downturns and charging developers upfront. Davis stated this causes the developer to have enough money up front to be able to continue the subdivision.

Tatum and Weldon worked on some calculations to present to the committee. Davis asked about the \$2,000.00 inspection fee? Tatum told Davis that since Davis came on there have been no other new developments. Tatum presented proposed numbers for a preliminary plat, final plat (Phase 1) and final plat (Phase 2) with the rates at \$800.00 and \$250.00/lot (Preliminary Plat) and Final Plat at \$800.00 and \$75.00/lot in two phases with 45 total lots at a rate of \$17,025.00 before it goes to construction as opposed to the same plat scenario under the current Wise County fees for a total of \$7,700.00. (See attachment)

Davis commented that developers are looking at Wise County fees and it is a way for them to take advantage of Wise County. Burns commented that under the current fees, "it doesn't cover costs." Tatum told Burns that the county isn't reimbursed until the final platting. Burns commented that the fees need to be born by the developer and not Wise County. Davis commented on invoices received by the County from Kimley-Horn and Associates, Inc. (\$120,000.00 to \$140,000.00 in bills) as opposed to the amount of money (approximately \$24,000.00) the county is being reimbursed. Burns discussed future reviews of development fee schedules. Davis told the committee that he will need assistance with inspections in the future.

Aaberg reminded the committee that a lot of county fees begin being assessed at different times, and he isn't sure when the fees can go into effect. Aaberg stated he will review this. Burns told the court this will need to be presented to court prior to budget adoption.

Davis confirmed the committee wishes to propose the following changes:

- Preliminary Plat Fee: \$800.00 plus \$300.00 per lot
- Final Plat & Construction Plans with roads: \$800.00 plus \$75.00 per lot

Tatum discussed the final plat with construction plans fee as it relates to subdivisions being done in phases. Burns told the committee, "We don't want to reward them for doing it in phases."

Tatum asked about the construction inspection fee? Tatum told the committee that Kimley-Horn and Associates, Inc. initially had to make many trips to review subdivision construction. Tatum stated that now that Davis is doing construction inspections this has limited Kimley-Horn and Associates, Inc.'s to a preconstruction meeting and a final walk-through meeting. Tatum continued that based on the number of developments Kimley-Horn and Associates, Inc. may still need to be involved in construction inspection. Tatum asked if the committee wishes to reduce or leave it the same? Davis stated there is an advantage to this and allows him to keep a closer eye on the construction. Davis reminded the committee of his other engineering duties and committee responsibilities that take time away from construction inspections. White recommended leaving the construction inspection fee at \$2,000.00. The committee discussed White's recommendation.

Tatum and Aaberg confirmed that the fee changes will be an amendment to the Development Rules and Regulations. Aaberg told the committee that he will look into the effective date for fees.

Aaberg discussed with the committee Hays County's ETJ "set-up" and the \$320.00 fee per plat that Hays County requires under the ETJ Interlocal Agreement (LGC 242.001). Aaberg stated that Wise County is set up "all or nothing". White said he likes this set-up. Burns stated the county can't get paid for what the county is being asked to do. The committee continued to discuss ETJ platting authority and annexation. Goode asked the committee about adding the information to the Interlocal Agreement? Burns told the committee the city is allowing the county to review the plat as a courtesy. The committee discussed ETJ authority and the legality

of payment to the county for plat reviews under Wise County's current ETJ set-up. Aaberg discussed statute with the committee.

Davis discussed municipality's courtesy review requests specifically about the Flood Plain. The committee agreed that it is in the county's best interest to have the courtesy review. Tatum commented that the new fee changes will help offset the ancillary costs. Tatum commented that Kimley-Horn and Associates, Inc. is raising fees everywhere but Wise County. Davis commented that if he and Goode are reviewing for sewage and flood plain the plat can be rejected and the burden of liability will be placed back on the filer.

White asked if the committee has discussed anything about the On-Site Sewerage Facility system fees? Goode told White that Hays County charges \$250.00 and Wise County charges \$360.00. Goode told White that Wise County charges based on types of systems and a non-standard system is \$560.00. Goode explained that the state gets \$10.00 of the fee collected so the county collected \$350.00 for a standard system and \$550.00 for a non-standard system. Goode stated that Wise County charges more than Hays County. Tatum told White this is separate from the Development Rules and Regulations.

White stated that the County Judge's office would like to be removed from the emails and letters Kimley-Horn and Associates, Inc. sends on subdivisions. White told the committee that the county judge's office only wants to receive notice when the plat is ready to go to court. The committee discussed this request. Davis stated to leave them on there. White relayed that receiving the additional information is confusing when they get a punch list whether it is ready to "go or not". White continued that he was requested to ask if they can only receive the information when it is ready to go to court. Aaberg commented that the County Judge's office is getting a lot of phone calls about what developers are supposed to do and they don't know the answers. Davis commented about having developers call "us [County Engineer/Commissioners]". Burns stated this information needs to be made part of recordkeeping. White commented that the judge's office only needs to know when to place it on the agenda. Burns and White commented about precincts receiving information for other precincts regarding platting. White stated he deletes the emails if they're not for Precinct No. 1. White reiterated the request to not get an email until the plat is ready to go on the Commissioners Court agenda. White clarified that this request is from the judge's office and not the judge himself. Weldon discussed what the judge's office receives in paper and email format. Davis stated this will be considered. Tatum commented that the emails can be addressed to Davis and not the Judge. Davis told Tatum "don't just go through me." White commented about the judge's staff's request. White stated "her {Colleen Self's} request has been duly noted".

2) Tatum stated that some items listed on the attached agenda are errors that need to be fixed:

- Road ditch cross section detail: side slope should be 4:1 max to coincide with Design Criteria Section 6.08H.
- Road classification table (page 52 of Development Rules and Regulations) should be changed to show a minimum pavement width of 24' to be consistent with detail.

Burns told Tatum "let's fix it."

Tatum requested to draft something and review with Davis on the following:

- Clarify under "Drainage Plan Requirements" the calculation of existing (pre-development) conditions is required even if a downstream assessment isn't warranted.

Aaberg recommended advertising notice of public hearing regarding any amendments to the Development Rules and Regulations.

- Single Access Requirements:
 - Current Rules and Regulations do not address this requirement.
 - Section 6.06C – Cul-de-sacs limits road ending permanently in a cul-de-sac to serve no more than 25 lots.
 - Hays County appears to require "Primary and Secondary access."

Tatum discussed secondary access and easements and suggested provision of requirement of a secondary access and leave cul-de-sac at 25 lots.

- 9-1-1 Addressing request to be required after plat approval.

Tatum commented that the reason 9-1-1 addressing is required under DRR is so the developers talk to 9-1-1 Addressing during the development process. Tatum commented about the level of exactness because of GIS/GPS systems and how things change during the development process thus requiring extra work. Tatum stated that 9-1-1 Addressing supervisor Phyllis Shaw advised Tatum that there are other counties that don't require 9-1-1 addressing until after the final plat is approved. Burns said it's not that way in the cities at all. Tatum stated this is required so developers talk to 9-1-1 Addressing during the process. Burns discussed it from an emergency services perspective. Burns stated the WCSO asked the committee to address this issue.

- Fire Code

Tatum said there have been many questions regarding this. Burns stated the Fire Marshal has been out for a while and hasn't been able to review this. Burns continued that the county needs to adopt a portion of the fire code so the county can require fire flow in subdivisions if the subdivision has a water system. Burns continued this will take care of water supply needs (for example Reatta Estates). Burns commented if you have fire flow then you have water for drinking and discussed the situation at Reatta Estates. White commented the county needs to work on the fire code. Burns commented that will have to come from Fire Marshal Chuck Beard. Davis asked if this is part of ETJ? Aaberg stated that in research if a subdivision has a water supply TCEQ is the authority there. Burns said it is only 2,500 gallons for 50 lots. Aaberg told the committee that they'll have to look into a way to see if they can go over that. Aaberg discussed code. Burns told the committee the county is doing all it can do within TCEQ requirements. Burns said the county has to go above and beyond the fire code. Tatum

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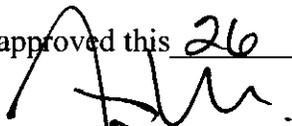
commented about stress to the water supply districts. Burns said both water supply districts are both comfortable with it and Walnut Creek WSD has requested it. Burns discussed cost and insurance savings. The committee discussed water supply district costs.

Tatum commented about getting Beard involved to review this. Burns stated this probably doesn't affect subdivision rules. Tatum commented about the fire code comments in the current development rules and regulations. Tatum continued that the county hasn't adopted fire code at this time.

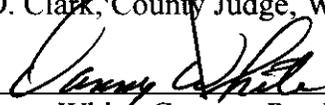
Davis asked Tatum about items being discussed in a Commissioners Court meeting?

Davis adjourned the committee meeting at 11:44 AM there being no further business to discuss.

Minutes approved this 26 day of September, 2016, as printed.



J.D. Clark, County Judge, Wise County



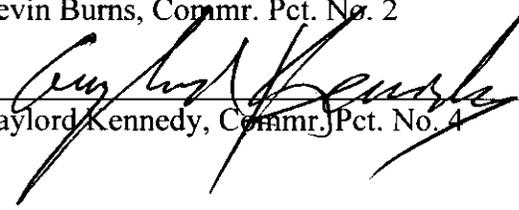
Danny White, Commr. Pct. No. 1



Kevin Burns, Commr. Pct. No. 2

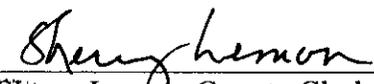


Harry Lamance, Commr. Pct. No. 3

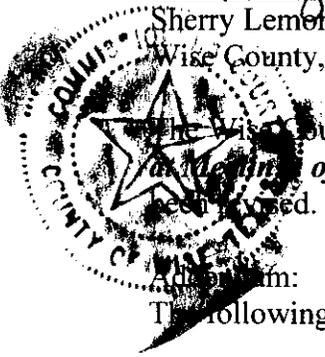


Gaylord Kennedy, Commr. Pct. No. 4

ATTEST:



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



The Wise County Commissioners' Court adopted the *Rules of Procedures, Conduct & Decorum* at a Meeting of Wise County Commissioners' Court on February 28, 1994 and the rules have not been amended.

Additional:

The following abbreviations are used in reference to current Wise County projects.

- WCCAB – Wise County Courthouse Annex at Bridgeport
- SWA – Southwest Architects Inc.
- TxDOT/DPS - Texas Department of Transportation/Department of Public Safety
- TAC – Texas Association of Counties
- TFP – Wise County Thoroughfare Plan
- WHJ – Wiginton, Hooker and Jeffry, P.C. (in relation to Wise County facilities Master Study Plan)
- WCWC – Weatherford College Wise County campus