

March 12, 2015

Commissioners,

At last Monday's Court, we received a proposed set of subdivision regulations from Judy Kent. We tabled any action to give me an opportunity to submit this draft to Walt Sears to see if he thought this would satisfy minimum requirements by the state in order to get the funds to help pay for bringing water to North Morris County.

Please see Walt's response letter attached. It is very important that you read this so that you will understand what is lacking. At the next meeting I would like to discuss what to do on this matter.

- Are you willing to prepare regulations that will meet minimums?
- Who will prepare these regulations
- Are you interested in having a comprehensive set of regulations





NORTHEAST TEXAS MUNICIPAL WATER DISTRICT

March 11, 2015

Honorable Brian P. Lee
County Judge, Titus County
100 West First Street, Suite 200
Mt. Pleasant, Texas 75455

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Operations Manager

Lou Richards
Office Manager

Judge & Commissioners,

Thank you for your attention to the topic of minimum standards for subdivision development in Titus County. Your ongoing guidance is appreciated. The Texas Water Development Board has grants and low interest loans available to water providers in counties where the Commissioner's Court has adopted at least minimum standards.

In northeast Texas, there are only three counties in northeast Texas that have adopted at least the minimum (Morris, Marion, and Van Zandt). A recent report from the TWDB indicates that as of August 2014, there were about 167 EDAP projects in Texas. It also indicates that slightly more than \$759.5 million was provided by EDAP. The TWDB added additional funds to help the 167 projects. The total provided for the projects by TWDB was about \$947.5 million.

Please note that there are 3 projects in the Region D regional water planning area described in the report. Region D is a 19 county area in northeast Texas. According to the report, the amount that EDAP provided to our region was about \$148,575. This represents about 0.2% of the total EDAP program. Region D has about 2.5% of the Texas population.

Getting less than .2% of the money for more than 2.5% of the population suggests that the EDAP money is not proportionally reaching our population. My perspective is that more effort needs to be made to get a fair share to our region. A water project that would help residents and attract industry to northern Titus and Morris County was mentioned to you. This possible project is what is causing interest in seeing Titus County adopt at least the minimum standards. This water project could be one way to improve our region's share of the EDAP program.

A draft set of possible regulations and rules was recently sent to me for review. This set was submitted to you on Monday. The Monday draft is 12 pages long. The initial version was 16 pages long. I have read the Monday draft and have identified items that need your oversight. I looked at the Monday draft in regards to whether it would achieve the EDAP requirements. I accept that the effects these regulations and rules extend well beyond EDAP compliance and have

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important implications to you. That is why the rules and regulations need your oversight. The major part of this conversation is implementing rules and regulations that you prefer. The smaller part is making sure the minimum standards are met.

The Monday draft contains the major points of following: 1) platting process, 2) subdivision roads, 3) construction in the subdivision, 4) septic topics, 5) manufactured homes, 6) mobile home communities, and 7) provisions for civil and criminal consequences for non-compliance.

When the Monday version is compared to the initial draft previously submitted to you, there are items in the Monday version that are not in the initial version. Those are items 5-7 described in the previous paragraph. It is probable that items 5-7 need not be specifically mentioned to achieve compliance for EDAP. These topics may be important to cover but the content will likely not be material to the EDAP review. Also, please be aware that the Monday version contained references to laws about civil and criminal enforcement that have been repealed. The current law in the Health & Safety Code Section 121.003 and Texas Water Code 7.143 would be a more applicable reference and the language in the Monday draft may not be consistent with current legal provisions.

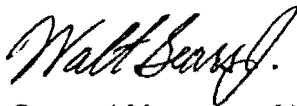
When the Monday version is compared to the initial draft, there are major items that the initial draft contained that are absent from the Monday version. Those items include 1) provisions for utility service within the subdivision (utility easements), 2) provisions assuring that the water supply is approved prior to any sale of lots in the subdivision (water service), 3) provisions assuring that all of the lots in the subdivision have a suitable plan for the sewage disposal (wastewater service), 4) provisions requiring a plat to have a report from a licensed engineer that adequately addresses both the water and wastewater needs of each lot that will be in the subdivision (engineering confirmation), 5) provisions that assure adequate drainage in the subdivision (drainage), 6) provisions requiring only one single family dwellings per lot (1 dwelling per lot). The point of this paragraph is to alert you that adequate content of these topics will likely be needed for the draft to achieve the minimum status for qualifying a loan under the EDAP program.

Both versions address the roads/streets in subdivisions. The versions are significantly different in several ways. First, the initial version requires the subdivision have the approval of Commissioner of the Precinct where the subdivision is located for the subgrade composition and compaction; the Monday version does not. Second, the initial version requires that no utility lines be placed under the subdivision streets, the Monday version does not prevent this.

Third, the initial version requires that utility lines cross at 90 degree angles and have a depth of at least 2 ½ feet; the Monday version does not. Third, the Monday version could allow just 2 inches of oil dirt while the initial version requires at least 6 inches of oil sand. Fourth, the initial version requires the crown of the road to be at least 3 inches higher than the edge of the street, the Monday version does not. Fifth, the initial version requires the Developer to name and mark with permanent metal signs in compliance with 911 Requirements, the Monday version does not. Sixth, the initial version requires that construction debris remaining after the street is completed to be removed and dumped at an authorized location, the Monday version does not. Seventh, the initial version prevents roads from having abrupt offsets, odd angles at intersections, and requires additional safety features, the Monday version does not. There are further differences between the two versions. The point of this paragraph is to highlight some of those differences and seek your guidance about what content you want for the road provisions.

I appreciate the opportunity to provide comments about possible regulations and rules that could help water projects access attractive funding sources. I look forward to receiving insight from you about your preferences for these possible regulations.

Walt Sears,

A handwritten signature in cursive script that reads "Walt Sears".

General Manager of Northeast Texas M.W.D.

Titus County Development Guidelines/Minimum Standards

3/23/15

Background and Uses of Guidelines/Minimum Standards – The Need

- NE Texas Municipal Water District and the EDAP (Economically Distressed Areas Program) require minimum standards for subdivision development
- Potential Project at 259 and I-30 will require water provisions through Titus County
- **Eligibility** for Federal and State Grants and Low interest Loans – This will assist in encouraging county development by reducing the financial burden on individual developers – subsidizes county development
- **Preservation/Protection** of the Quality of Life and Development for Titus County. The minimum standards are sought to prevent current or projected water use in the County from exceeding the safe sustainable yield of the County's water supply. (Note: Texas law does not permit zoning in counties, thus the avenue for regulating development in a Texas County is through subdivision regulations. Subdivision can be any subdividing of land – not just residential)
- **Marketing** Development for Titus County – make the process more easily understood, set the expectations up front
- **Lower Taxes** – New developments can decrease personal property taxes for each of us
- Court needs to consider the potential pollution, nuisances and injury to public health and safety that could be caused by un-regulated development within the County, and the potential burden on landowners and taxpayers of substandard development.

County Development Regulations must comply with provisions of

- Texas Government Code
- Texas Health and Safety Code
- Texas Local Government Code
- Texas Transportation Code
- Texas Water Code
- Applicable Rules of the Texas Commission on Environmental Quality

Current Status of Titus County Minimum Standards

- Initial Draft prepared by Realtors, Reviewed by NE Texas Municipal Water District
- Several issues yet to be addressed or corrected
 - Current version references repealed laws
 - Missing several items:
 - Provisions for utility service
 - Provision that water supply is approved prior to sale of lots
 - Provision that all lots ins subdivision have suitable plan for sewerage disposal

- Provision for licensed engineer report addressing water and wastewater needs of each lot in the subdivision
- Provision for adequate subdivision drainage
- Provision requiring only 1 Single family dwelling per lot
- Approval of Precinct Commissioner for roads/streets in subdivision
- Disallowance of utility line placement under subdivision streets
- Provision that utility lines cross at 90 degrees and have a depth of at least 2 ½ feet
- Certain road standards (example: materials and crown heights)
- Requirement for Permanent signs marking IAW 911 requirements
- Safety requirements for road intersections
- Guidelines for different kinds of development

Recommendations for Commissioner's Court

- **The Development of County Development Regulations is an opportunity and a responsibility of the Court**
- **Solicit Professional Help to prepare County Development Regulations**
 - Draft County Development Flow chart
 - Sample Statement of Work for County Use to solicit for Professional Planner
 - Initial list of Texas firms capable of working with county on this development
- **Initiate a Process and discussions relative to where Titus County would like to be in ten /twenty years – Vision for Titus County**
 - This could become the guidance for more directed development standards
 - Would be a plan for the future and a marketing tool for the County
 - Visioning the Future of Titus County
 - History and Impacts – Ups and Downs of Employers and Developments (ex. Lone Star Steel, Refinery, Priefert, Pilgrim's, Luminant, etc)
 - Goals for County Development - Lower Taxes, Guide Development, Increase employment, Raise median income levels, etc
 - What- If Analyses and What it Would Take – Understanding the waterfall effects
 - Planning for Goal Achievement – Plan execution= Minimum standards/development guidelines and regulations

Proposal for Preparing Draft Titus County Subdivision Regulations/Guidelines

Purpose

To develop a set of county development standards that will support water development in Titus County that will facilitate quality long term development in Titus County

Products

- **Draft Regulations/Guidelines** addressing several components and kinds of development for Titus County to include single and multiple family residential development, mobile home communities, business/commercial development, industrial development, and hunting camp developments taking into account potential effects that any guidelines might have on development quality and costs of required infrastructures (water, sewer, roads, power, fire protection, etc.) necessary to facilitate and guide county development
- **Draft Development Process Flow Chart and Templates** for developer and reviewing agency use to educate and facilitate the county development process. This would serve as a guidebook for development in Titus County. It would start a documenting process for county development and would serve to better facilitate future developments expediting the review and approval processes by standardizing the receipt and flow of information needed by each of the stakeholders in this process
- **Presentation Materials and Presentations to Facilitate a Public Hearing** for ensuring the draft final products an opportunity for general public review/comment which is likely a requirement for this effort prior to approval by Commissioner's Court.

Process

1. Draft a Starting Outline for the Preparation of County Development guidelines/Standards.

This would establish a starting point of discussions among the stakeholders. Also would include a compilation of review comments on the documented provided by Walt Sears. This whole effort being done with a core team of county folks to include county developers and a county representative or two to help facilitate the collection and flow of information that will be revealed/ created in this process.

Deliverable: Initial Draft Outline for County Development Guidelines/Standards

2. Meet with County/Regional Development Personnel.

Schedule, attend, and document one or two initial meetings with interested developers to delineate the process and expected outcomes of this effort. Using the outline offered from step one, we would hear out concerns, ideas, and desires of regional development personnel.

Deliverable: List of Developer Concerns, Ideas, and Desires

3. Meet with Agencies that have Reviewing or Approval Responsibilities in County Development.

This would establish a points of discussion among this set of stakeholders. In addition to hearing and documenting their concerns, desires, and ideas similar to what was done with the developers, we could use this forum to vet initial ideas and concerns of the development community. I see this as critical in the development of non-contentious standards that serve the county best to

facilitate sustainable quality growth. Example agencies that will need to be consulted include the regional Water Development Agency, Tri-water, Power Suppliers, County Environmental Officer, County Clerk (record requirements), County Commissioners, etc. It is anticipated that there would be individual meetings with each agency to ensure more open communications with each agency.
Deliverable: *List of Reviewing/Approval Agencies' Concerns, Ideas, and Desires*

4. Draft a County Development Process Flow Chart and Templates.

Develop a draft flow chart of the various county development types that can be used by developers and reviewing/approval agencies to discern a step by step approach to ensuring all pertinent information and processes are accommodated. I envision this chart to be a color coded decision flow chart (if yes then this, if no then this type of chart) that will readily reveal the appropriate contact points and any conditions that might need to be highlighted within the process.

Draft templates will be proposed to assist in managing the process through the flow chart of steps. The templates will ease the collection, communication and documentation of information required in various steps of the county development process.

Deliverables: *Draft of a Color Coded County Development Process Flow Chart for Review by all stakeholders and draft templates for various stages/reviews/approvals of the development process.*

5. Draft County Development Guidelines/Standards

The draft of this document would address guidelines/standards associated with county development for several types of development to include at least single and multifamily residential development, manufactured homes, business/commercial developments, and hunt camp developments. The guidelines/standards will address at least the following components of development and the "why's" or reasoning behind the guidelines/standards – water, stormwater, sewer, roads, lot sizes, power supply, and communication infrastructure.

Deliverable: *Draft language/illustrations for County Development Guidelines/Standards*

6. Facilitate the Socialization Process – Community/Stakeholder Reviews of the Draft Documents.

Facilitate the community review/public hearing process of the draft documents prior to finalization and presentation of the proposed documents to Commissioner's Court for Approval and Adoption. Anticipate at least one, maybe two public hearings associated with the formalization of these documents.

Deliverable: *Presentation materials and management of the public process*

7. Preparation of Final Draft Documents and Presentation to Commissioner's Court.

This step would incorporate the advice and ideas of the community and the various stakeholders into a final draft proposal for County Development Guidelines/Standards for presentation to the County Commissioners for Approval and Adoption.

Deliverables: *Final Draft of County Development Guidelines/Standards and Process Flow chart
Presentation materials and presence as needed for Court presentation*

Planning Professional Assistance for Preparation of Titus County Development Regulations

1. Freeze and Nichols
Dan Sefko, FAICP
Fort Worth and Austin, Texas
512-617-2372

2. Haalf & Associates
Jim Carillo, FAICP
Richardson and Austin, Texas
512-777-4600

3. Robert Baldwin, AICP
Baldwin Planning
Dallas, Texas
214-824-7949

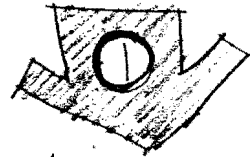
TITUS COUNTY DEVELOPMENT PROCESS FLOW CHART (CONCEPT)

START

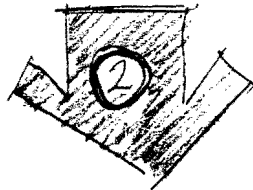
IDEA FOR NEW COUNTY DEVELOPMENT

CATEGORIES

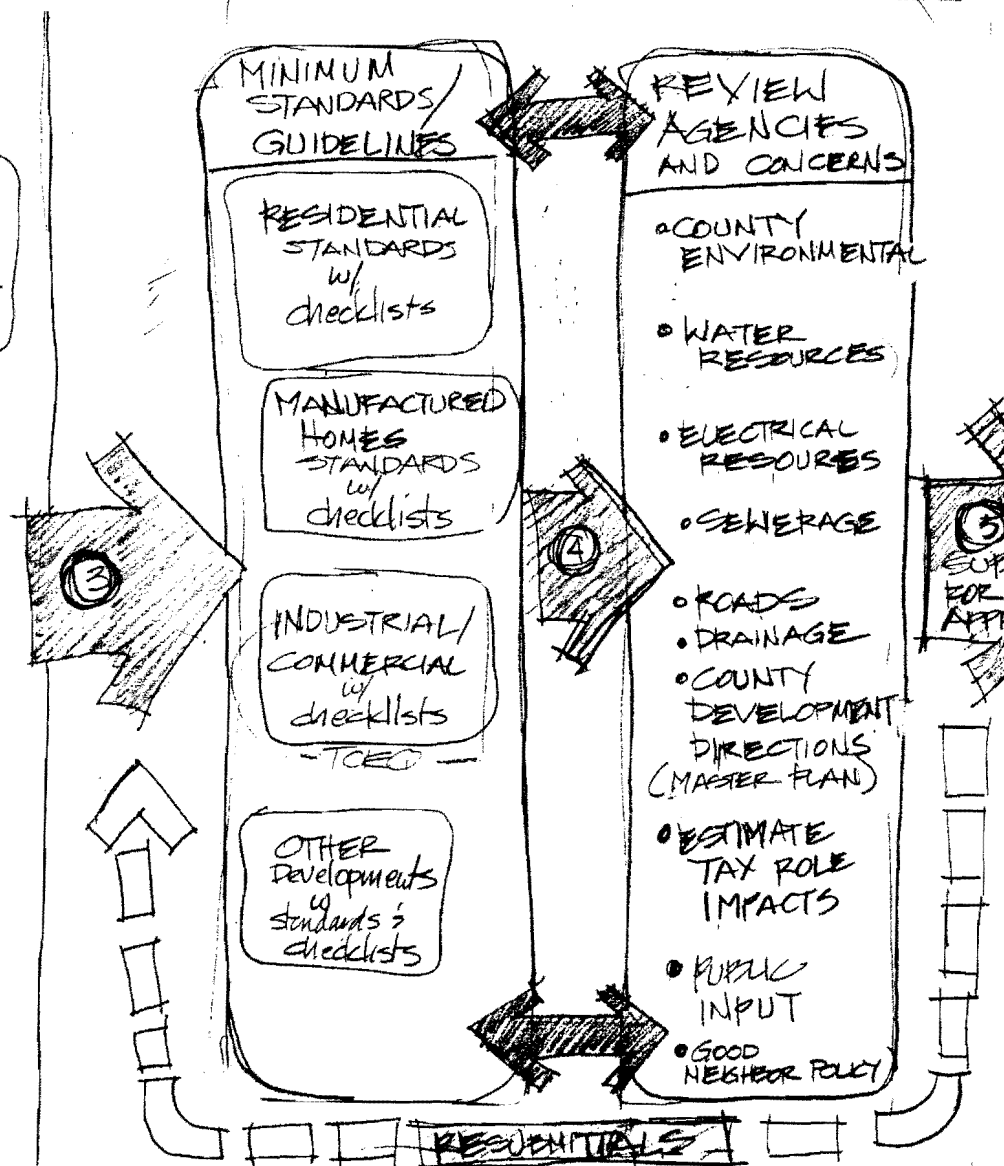
- RESIDENTIAL
- MANUFACTURED HOMES
- INDUSTRIAL/COMMERCIAL
- OTHER (HUNTING CAMP)



PRELIMINARY (PLAT) PRESENTATION TO COUNTY COMMISSIONERS' COURT
(Generates excitement, concerns, precautions, heads ups)



FILE PRELIMINARY PLAT WITH COUNTY CLERK



PROPER COUNTY DEVELOPMENT MEANS:

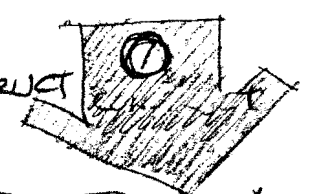
- ① EASE OF DEVELOPMENT
- ② PROTECTION OF QUALITY OF LIFE
- ③ ENHANCED REGIONAL ECONOMY
- ④ LOWER PERSONAL PROPERTY TAXES FOR ALL



COUNTY APPROVAL



FILE APPROVAL PLAT WITH COUNTY CLERK



CONSTRUCT

COUNTY BACKCHECK



FILE CONSTRUCTION PLAT WITH COUNTY CLERK (Construction plat)

CONCEPTUALIZATION

COUNTY REVIEWS WITH STANDARDS

APPROVALS AND RECORDATION