

AGENDA ITEM # 6

May 19, 1998

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Consider approving the preliminary plat for Cat Hollow, Section C, Phase II.

Joe England stated a large section was sold to Brushy Creek MUD for a regional park.

Commissioner Heiligenstein requested a report on the ATS plan of proposed major arterial roads from Joe England and put on May 26, 1998 agenda notification of proposed roads using signs, etc.

Moved: Commissioner Boatright

Seconded: Commissioner Hays

Motion: To approve the preliminary plat for Cat Hollow, Section C, Phase II.

Vote: Motion carried 4 - 0

AGENDA ITEM # 7

May 19, 1998

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Consider approving the preliminary plat for Austin Payfones Subdivision.

Joe England stated this is in extra territorial jurisdiction of and was approved by the City of Austin on March 23, 1998 and meets subdivision requirements of Williamson County.

Moved: Commissioner Boatright

Seconded: Commissioner Heiligenstein

Motion: To approve the preliminary plat for Austin Payfones Subdivision.

Vote: Motion carried 4 - 0

AGENDA ITEM # 8May 19, 1998*Consider approving the final plat of San Gabriel River Estates, Section One.

Joe England stated this private subdivision will be a gated community. Streets are built to county standards and a note on the plat stating they will not be maintained by Williamson County in perpetuity.

Commissioner Mehevec questioned the procedure for emergency vehicle access. The court was assured that point will be addressed.

Moved: Commissioner Mehevec

Seconded: Commissioner Boatright

Motion: To approve the final plat of San Gabriel River Estates, Section One.

Vote: Motion carried 4 - 0

AGENDA ITEM # 9May 19, 1998*Consider approving the final plat of West Ridge subdivision.

Commissioner Hays stated the collector street and run off issues have been addressed. Now an appeal has been made to the Board of Health concerning the approval on the septic system. Tuesday, May 26, 1998 at 7:00 PM there will be a meeting by the Board of Health discussing this issue.

First Assistant County Attorney Dale Rye stated the court can ask for the Health Department signatures, but cannot refuse approval based on that alone.

Attorney Steve Ross representing the developer addressed the court and handed out copies of Sections 232.002 and 232.003 of the statutes which lists the state subdivision regulations. He stated, "Based on state requirements the court can only address drainage and right-of-way, and those requirements have been met. Now the issue is if the court can require OSSF (On Site Sewage Facilities) approval as a condition for plat approval." He said the answer is in 232.002 of the statutes which states the court must grant a final plat approval if the conditions of 232.003 are met. He further stated the appeal has no merit because it was not filed with the Health Department within the 30 day OSSF regulations. He encouraged the court to grant final approval.

John Fenoglio addressed the court stating the run-off issue has not been resolved and a formal appeal has been made to EPA as a result of the failure of the developer to file a plan and get a permit. Also, with regard to the appeal process on the OSSF issues, as private citizens, TNRCC regulations, as well as your own, require a surveillance and assurance of protection of those people who may be impacted by this development. The fact that half-acre lots have been approved do not necessarily meet the requirements of TNRCC because their law states if there are severe conditions the developer will file with the Health Department a survey of wells that may be impacted, which according to his survey are some 100 wells. This has not been done. To answer the 30 day appeal, a phone call was made to the Health Department before the first appeal was made and was told there was no formal appeal process, thus a letter was written to Karen Wilson in a timely manner, and when a response was obtained a second appeal was made. He requested the court protect the some 100 resident wells already in place.

Commissioner Mehevec stated in the county there are numerous examples of approved septic systems which have failed and caused damage. We have a clear responsibility to protect the health, welfare, environment and property rights of the taxpayers.

First Assistant County Attorney Dale Rye stated Texas counties have no power except that granted through state statutes 232.002 and 232.003. Based on this we would have to conclude if a court were presented with this issue they would continue to follow what they have done in the past which has been limited to the statutes.

Commissioner Boatright stated that we have always worked hand in hand with the Health District, and requested cooperation from everyone. He also asked Paulo Pinto with the Williamson County & Cities Health District what would happen if the Board of Health decided OSSF regulations were not met.