

REQUEST FOR AGENDA PLACEMENT FORM

Submission Deadline - Tuesday, 12:00 PM before Court Dates

SUBMITTED BY: Jennifer VanderLaan **TODAY'S DATE:** January 3rd, 2023

DEPARTMENT: Public Works

SIGNATURE OF DEPARTMENT HEAD: 

REQUESTED AGENDA DATE: January 9th, 2023

SPECIFIC AGENDA WORDING:

Consideration and Discussion of amendment to the Subdivision Rules and Regulations of Johnson County associated with Ground Water Availability Certification Requirements.

COMMISSIONERS COURT

JAN 09 2023

PERSON(S) TO PRESENT ITEM: Jennifer VanderLaan

SUPPORT MATERIAL: (Must enclose supporting documentation)

TIME: 30 minutes

ACTION ITEM: _____

WORKSHOP: x _____

(Anticipated number of minutes needed to discuss item) **CONSENT:** _____

EXECUTIVE: _____

STAFF NOTICE:

COUNTY ATTORNEY: x _____ **IT DEPARTMENT:** _____

AUDITOR: _____ **PURCHASING DEPARTMENT:** _____

PERSONNEL: _____ **PUBLIC WORKS:** X _____

BUDGET COORDINATOR: _____ **OTHER:** _____

*****This Section to be Completed by County Judge's Office*****

ASSIGNED AGENDA DATE: _____

REQUEST RECEIVED BY COUNTY JUDGE'S OFFICE _____

COURT MEMBER APPROVAL _____ Date _____

Proposed Amendments to the Johnson County Subdivision Rules

Current Language (Page 21, Section IV C (8))

Additional Requirements:

- (a) *If a person submits a plat for the subdivision of a tract of land for which the source of the water supply intended for the subdivision is groundwater under that land, the plat application shall have attached to it a statement that:*
 - (1) *Is prepared by an engineer license to practice in this state or a geoscientist licensed to practice in this state; and*
 - (2) *Certifies that adequate groundwater is available for the subdivision.*
- (b) *The appropriate form and content of the certification to be attached to the plat application shall be in the form established by the Texas Commission on Environmental Quality.*
- (c) *The owner who submits a plat under the Subsection (a) shall transmit to the Texas Water Development Board and any groundwater conservation district that includes in the district's boundaries any part of the subdivision information that would be useful in:*
 - (1) *Performing groundwater conservation district activities;*
 - (2) *Conducting regional water planning;*
 - (3) *Maintaining the state's groundwater database; or*
 - (4) *Conducting studies for the state related to groundwater.*

An exception or variance to subsection (a) (1) and (2) of the Additional Requirements stated above may be granted by the Commissioners Court depending upon the specific facts presented to the Commissioners Court if an exception or variance is requested.

Proposed Language (with ~~deleted~~ and **inserted** text):

~~Additional Requirements:~~

Water Availability Certification Statements:

- (a) **Water Availability Certification Statement Required.** If a person submits a plat for the subdivision of a tract of land for which the source of the water supply intended for the subdivision is groundwater under that land, the plat application shall have attached to it a statement that:
 - (1) Is prepared by an engineer license to practice in this state or a geoscientist licensed to practice in this state; and
 - (2) Certifies that adequate groundwater is available for the subdivision.
- (b) **Form and Content of Water Availability Certification Statement.** The appropriate form and content of the **water availability certification statement** to be attached to the plat application shall be in the form established by the Texas Commission on Environmental Quality.
- (c) **Notice Requirements.** The owner who submits a plat under the Subsection (a) shall transmit to the Texas Water Development Board and any groundwater conservation district that includes in the district's boundaries any part of the subdivision information that would be useful in:
 - (1) Performing groundwater conservation district activities;

- (2) Conducting regional water planning;
 - (3) Maintaining the state’s groundwater database; or
 - (4) Conducting studies for the state related to groundwater.
- (d) **Plat Application Not Complete.** When a water availability certification statement is required by these Rules, a plat application will not be considered complete until a completed certification statement has been submitted. A certification statement will be deemed incomplete unless it complies with subsection (a) above, has been reviewed and approved by the Prairielands Groundwater Conservation District, and complies with all other state and local regulations.
- (e) **Statement Not Required.** A plat application must include a water availability certification statement unless otherwise indicated in the chart below. A plat is eligible for an exemption only if the property will be used solely for single-family homes, duplexes, or agricultural uses. Property to be used for multi-family (3 or more dwelling units per lot, including RVs or Mobile Homes), commercial, or industrial development shall be required to obtain a water availability certification statement regardless of number and size of lots.

<u>Number of Lots</u>	<u>Lot Sizes</u>	<u>Certification Requirement</u>
10 or More Lots	Any	Required
3 – 9 Lots	2 or fewer lots in plat are less than 3 acres; all other lots are greater than 3 acres	Not Required
1 – 2 Lots	N/A	Not Required

- (f) A plat application that is exempt under Subsection (e) shall not be required to submit a water availability certification statement, and the plat application shall be considered complete when all other state and local requirements are satisfied.
- (g) **Variance Allowed.** A variance to subsection (a) (1) and (2) of the ~~Additional Requirements stated above~~ may be granted by the Commissioners Court depending upon the specific facts presented to the Commissioners Court if a variance is requested.
- (h) **Variance Procedure.** A plat applicant seeking a variance shall follow the procedure set forth in this subsection. A request for a variance will not be considered by the Commissioners Court unless this procedure is followed.
- a. The applicant shall submit a plat application that is complete in all respects other than: 1) the inclusion of the water availability certification statement and 2) the payment of the plat application fee;
 - b. The applicant shall also submit a verified statement confirming the manner in which the property will be used, the number of dwelling units anticipated to

be placed on the property, and, for non-residential uses, the estimated annual water needs of the platted property;

- c. The Public Works Director shall determine the number of existing water wells within a 1-mile radius of the subject property; and
- d. The Public Works Director shall present the request for a variance, including the completed plat application, the verified statement, and the number and type of wells within 1 miles of the subject property, at a regularly-scheduled meeting of the Commissioners Court within 30 days of the date on which the applicant satisfied all requirements under this subsection.
- e. A variance shall expire and cease to have any legal effect if any changes are made to the plat prior to its final approval by the Commissioners Court.
- f. A variance shall expire and cease to have any legal effect if a final plat is not approved on the subject property within 90 days of the granting of the variance.