

**AGENDA PLACEMENT FORM**

(Submission Deadline – Monday, 5:00 PM before Regular Court Meetings)

**Date:** January 12, 2024

**Meeting Date:** January 22, 2024

**Submitted By:** Julie Edmiston

**Department:** Public Works

**Signature of Elected Official/Department Head:**

Jennifer VanderLaan

**Court Decision:**  
This section to be completed by County Judge's Office



January 22, 2024

**Description:**

Discussion and Consideration of Amendment to the Subdivision Rules and Regulations of Johnson County.

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(May attach additional sheets if necessary)

**Person to Present:** Jennifer VanderLaan

(Presenter must be present for the item unless the item is on the Consent Agenda)

**Supporting Documentation:** (check one)     PUBLIC     CONFIDENTIAL

(PUBLIC documentation may be made available to the public prior to the Meeting)

**Estimated Length of Presentation:** 10 minutes

**Session Requested:** (check one)

Action Item     Consent     Workshop     Executive     Other \_\_\_\_\_

**Check All Departments That Have Been Notified:**

County Attorney     IT     Purchasing     Auditor  
 Personnel     Public Works     Facilities Management

**Other Department/Official (list)** \_\_\_\_\_

**Please List All External Persons Who Need a Copy of Signed Documents  
In Your Submission Email**

## 1. Utility Service:

*The Owner shall submit, along with the Plat Approval Application, a statement as to his plan for providing electric, gas, telephone, and trash pickup within the proposed subdivision. The owner shall submit a letter from the company providing electric service that states the company has the ability and will provide electric service to the proposed subdivision. If water is to be provided by a water utility company, the owner shall also submit a letter from the water utility company that states the water utility company has the ability and will provide water to the proposed subdivision. All utilities shall be contained in the prescribed utility easements along the property lines.*

### *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 licensed 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 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. (Amended March 13, 2017).~~

### *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 by the Prairielands Groundwater Conservation District and their recommendations followed, 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; based upon credible evidence of groundwater availability in the vicinity of the proposed subdivision, the commissioners court determines that sufficient groundwater is available and will continue to be available to the subdivided tract of land and the proposed subdivision divides the tract into not more than 10 parts. A person subject to a waiver authorized due to the proposed subdivision being divided into not more than 10 parts must comply with the requirements of having a water availability certification statement if the tract is subsequently divided in a manner that results in the original tract being subdivided into more than 10 parts or the commissioners court determines that the proposed subdivision is a part of a series of proposed subdivisions from an original tract that collectively includes more than 10 parts. (Amended February 12, 2024)*

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

- ~~(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) 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 **from submitting a water availability certification statement** 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. (Amended January 23, 2023).