

TCEQ DOCKET NO. 2026-0186-DIS

APPLICATION FOR CREATION OF WILLOW RANCH MUNICIPAL UTILITY DISTRICT NO. 1 OF KAUFMAN COUNTY	§ § § §	BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
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EXECUTIVE DIRECTOR’S RESPONSE TO HEARING REQUESTS

The Executive Director (“ED”) of the Texas Commission on Environmental Quality (“Commission” or “TCEQ”) files this Response to Hearing Request (“Response”) on the Petition by Forney Development, LLC, a Texas limited liability company (“Petitioner”) for the creation of Willow Ranch Municipal Utility District No. 1 of Kaufman County (“District”). The Office of the Chief Clerk received a hearing request from Texas State Representative Keith Bell.

Attached for Commission consideration is the ED’s Satellite Map.

The ED recommends that the Commission deny the hearing request of Representative Bell.

I. DESCRIPTION OF DISTRICT

The Petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there are no lien holders; (3) the proposed District will contain approximately 140.125 acres of land located within Kaufman County, Texas and is north of Travis Ranch Boulevard and southeast of Farm-to-Market Road 740; (4) the proposed District is wholly within the extraterritorial jurisdiction of the City of Dallas (“City”).

The Petition further states that general nature of the work proposed to be done by the District at the present time is to purchase, construct, acquire, improve, or extend inside or outside of its boundaries all works, improvements, facilities, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, and commercial purposes. Purposes include collection, transport, process, disposal, and control domestic wastes; to gather conduct, divert, abate, amend, and control local storm water or other local harmful excesses of water in the District; design, acquire, construct, finance, improve, operated, and maintain macadamized, graveled, or paved roads and turnpikes, or improvements in aid of those roads; to purchase construct, acquire improve inside or outside of its boundaries additional facilities, systems, plants, and enterprises consonant with the purposes for which the District is created and in the engineer’s report. The petition further states that the District be granted road powers pursuant to Texas Water Code, Section 54.234.

II. PROCEDURAL HISTORY

The Petitioner filed an application for the creation of the District on August 13, 2025, and the application was declared administratively complete on August 13, 2025.

The Petitioner published a Notice of District Petition in the *Kaufman Herald*, a newspaper generally circulated in Kaufman County, where the District is proposed to be located, on September 11, 2025, and September 18, 2025. On September 4, 2025, proper notice of the application was posted at the place for posting legal notices at the Kaufman County Courthouse. The TCEQ received two hearing requests, on July 14, 2025, and October 14, 2025, from Kaufman County opposing the creation of the District. TCEQ received a letter from Rep. Keith Bell on August 29, 2025, opposing the creation of the District. On March 6, 2026, Kaufman County withdrew both of its hearing requests. The period to request a contested case hearing ended on October 20, 2025.

The Office of the Chief Clerk sent notice of the agenda setting for the Commission's consideration of the hearing request on March 11, 2026.

III. CREATION OF MUNICIPAL UTILITY DISTRICTS

A municipal utility district (MUD) may be created under and subject to the authority, conditions, and restrictions of Article XVI, Section 59, of the Texas Constitution. TEX. WATER CODE § 54.001. The District in this case is proposed to be created and organized according to the terms and provisions of Article XVI, Section 59, of the Texas Constitution, and Chapters 49 and 54 of the Texas Water Code.

A MUD may be created for the following purposes:

- (1) the control, storage, preservation, and distribution of its storm water and floodwater, the water of its rivers and streams for irrigation, power, and all other useful purposes;
- (2) the reclamation and irrigation of its arid, semiarid, and other land needing irrigation;
- (3) the reclamation and drainage of its overflowed land and other land needing drainage;
- (4) the conservation and development of its forests, water, and hydroelectric power;
- (5) the navigation of its inland and coastal water;
- (6) the control, abatement, and change of any shortage or harmful excess of water;
- (7) the protection, preservation, and restoration of the purity and sanitary condition of water within the state; and
- (8) the preservation of all natural resources of the state. § 54.012. the commission has jurisdiction to hear this case and create the District.¹

¹ TWC § 54.014.

The Commission must grant or deny a MUD creation application in accordance with Section 54.021 of the Texas Water Code. In order to grant an application, the Commission must find that organization of the District as requested is feasible and practicable and is necessary and would be a benefit to the land to be included in the District.² If the commission fails to make these findings, it shall refuse to grant the petition.³

In determining if the project is feasible and practicable and if it is necessary and would be a benefit to the land included in the District, the commission shall consider:

- (1) the availability of comparable service from other systems, including but not limited to water districts, municipalities, and regional authorities;
- (2) the reasonableness of projected construction costs, tax rates, and water and sewer rates; and
- (3) whether or not the District and its system and subsequent development within the District will have an unreasonable effect on the following:
 - (A) land elevation;
 - (B) subsidence;
 - (C) groundwater level within the region;
 - (D) recharge capability of a groundwater source;
 - (E) natural run-off rates and drainage;
 - (F) water quality; and
 - (G) total tax assessments on all land located within a district.⁴

The Commission, however, must exclude the areas that it finds would not be benefited by the creation of the District and must redefine the boundaries of the proposed District according to its findings.⁵

IV. THE EVALUATION PROCESS FOR HEARING REQUESTS

The application is subject to the requirements of Title 30, Chapter 55, Subchapter G, Sections 55.250-55.256 of the Texas Administrative Code. The Commission, the Executive Director, the applicant, or affected persons may request a contested case hearing on this application.⁶ The Commission must evaluate the hearing requests and may take one of the following actions:

- (1) determine that the hearing requests do not meet the rule requirements and act on the application;
- (2) determine that the hearing requests do not meet the rule requirements and refer the application to a public meeting to develop public comment before acting on the application;
- (3) determine that the hearing requests meet the rule requirements and refer the application to the State Office of Administrative Hearings (“SOAH”) for a hearing; or

² TWC § 54.021(a); 30 TAC § 293.13(b)(1).

³ TWC § 54.021(d); 30 TAC § 293.13(a).

⁴ TWC § 54.021(b).

⁵ 30 TAC § 293.13(b)(2); TWC § 54.021(c).

⁶ 30 TAC § 55.251(a).

- (4) refer the hearing request to SOAH for a hearing on whether the hearing requests meet the rule requirements.⁷

The regulations provide that a hearing request made by an affected person must be in writing and must be filed with the Office of the Chief Clerk within the time provided in the Notice of District Petition.⁸ These two requirements are mandatory. The affected person's hearing request must also substantially comply with the following:

- (1) give the name, address, and daytime telephone number of the person who files the request.
- (2) identify the person's personal justiciable interest affected by the application, including a brief, but specific, written statement explaining in plain language the requester's location and distance relative to the activity that is the subject of the application and how and why the requester believes he or she will be affected by the activity in a manner not common to members of the general public;
- (3) request a contested case hearing; and
- (4) provide any other information specified in the public notice of application.⁹

An affected person's personal justiciable interest must be related to a legal right, duty, privilege, power, or economic interest affected by the application belonging to the requester and not an interest common to members of the general public.¹⁰ The regulations give the Commission flexibility to determine affected person status by considering any relevant factor, including the following:

- (1) whether the interest claimed is one protected by the law under which the application will be considered;
- (2) distance restrictions or other limitations imposed by law on the affected interest;
- (3) whether a reasonable relationship exists between the interest claimed and the activity regulated;
- (4) likely impact of the regulated activity on the health and safety of the person, and on the use of property of the person;
- (5) likely impact of the regulated activity on use of the impacted natural resource by the person; and
- (6) for governmental entities, their statutory authority over or interest in the issues relevant to the application.¹¹

Government entities, including local governments, may be affected persons if they have authority under state law over issues contemplated by the application.¹²

⁷ 30 TAC § 55.255(a).

⁸ 30 TAC § 55.251(b) and (d).

⁹ 30 TAC § 55.251(c).

¹⁰ 30 TAC § 55.256(a).

¹¹ 30 TAC § 55.256(c).

¹² 30 TAC § 55.256(b).

V. THE HEARING REQUEST AND ANALYSIS

Representative Keith Bell

Rep. Bell submitted a timely request, which contained the name, phone number, and address of the person filing the request, pursuant to 30 TAC § 55.251(c)(1).

In the request, Rep. Bell does not state how he qualifies as an affected person as required by 30 TEX ADMIN. CODE § 55.256. Rep. Bell does not state how he has a personal justiciable interest related to a legal right, duty, privilege, power, or economic interest affected by the application. Therefore, Rep. Bell has not shown how he qualifies as an affected person and his hearing request should be denied.

VI. RECOMMENDATION

The Executive Director recommends that the Commission find that Rep. Keith Bell is not affected person and deny the hearing request.

Should the Commission grant Representative Bell's hearing request, the Executive Director recommends the Commission refers this matter to SOAH for a contested case hearing.

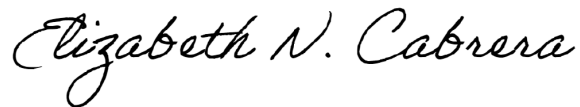
Respectfully submitted,

Texas Commission on Environmental Quality

Kelly Keel, Executive Director

Phillip Ledbetter, Director
Office of Legal Services

Amy L. Browning, Acting Deputy Director
Environmental Law Division



Elizabeth Cabrera, Staff Attorney
Environmental Law Division
State Bar No. 24148855
P.O. Box 13087, MC 173
Austin, Texas 78711-3087
Phone: (512) 239-5745
Fax: (512) 239-6060

CERTIFICATE OF SERVICE

I certify that on March 23, 2026 the “Executive Director’s Response to Hearing Requests” for the creation of Willow Ranch Municipal Utility District No. 1 of Kaufman County was filed with the TCEQ’s Office of the Chief Clerk, and a copy was served to all persons listed on the attached mailing list via hand delivery, facsimile transmission, inter-agency mail, electronic submittal, or by deposit in the U.S. Mail.

Elizabeth N. Cabrera

Elizabeth Cabrera, Staff Attorney
Environmental Law Division

MAILING LIST
Willow Ranch Municipal Utility District 1 of Kaufman County
DOCKET NO. 2026-0186-DIS; INTERNAL CONTROL NO. D-08132025-022

FOR THE APPLICANT

Juan Luevanos
16000 Dallas Parkway, Suite 350
Dallas, Texas 75248

Tristan Poore
Spiars Engineering & Surveying
765 Custer Road, Suite 100
Plano, Texas 75075

FOR THE EXECUTIVE DIRECTOR
via electronic mail:

Elizabeth Cabrera, Staff Attorney
Texas Commission
On Environmental Quality
Environmental Law Division, MC-173
P.O. Box 13087
Austin, Texas 78711

Jacob Houston, Technical Staff
Texas Commission
On Environmental Quality
Water Supply Division, MC-152
P.O. Box 13087
Austin, Texas 78711

Ryan Vise, Deputy Director
Texas Commission
On Environmental Quality
External Relations Division, MC-108
P.O. Box 13087
Austin, Texas 78711

FOR PUBLIC INTEREST COUNSEL
via electronic mail:

David Timberger, Public Interest Counsel
Texas Commission
On Environmental Quality
Public Interest Counsel, MC-103
P.O. Box 13087
Austin, Texas 78711

FOR ALTERNATIVE DISPUTE
RESOLUTION
via electronic mail:

Kyle Lucas
Texas Commission
On Environmental Quality
Alternative Dispute Resolution, MC-222
P.O. Box 13087
Austin, Texas 78711

FOR THE CHIEF CLERK:

Docket Clerk
Texas Commission
On Environmental Quality
Office of Chief Clerk, MC-105
P.O. Box 13087
Austin, Texas 78711
<https://www.tceq.texas.gov/goto/efilings>

REQUESTER

Keith Bell
State Representative, Texas House
Of Representatives District 4
Po Box 12910 Rm E2.508
Austin TX 78711

Attachment A

Forney Development LLC for Willow Ranch MUD No. 1 of Kaufman County

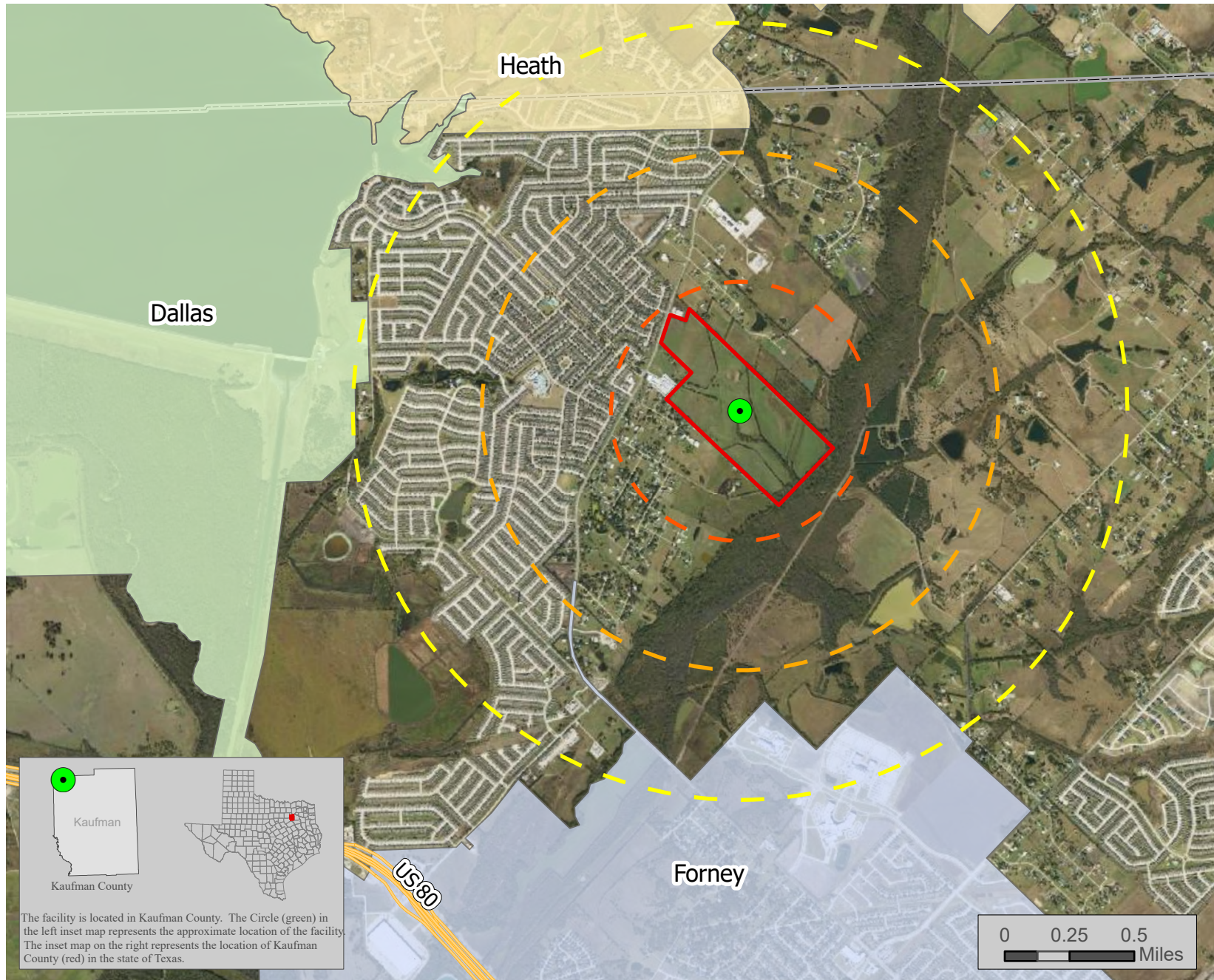


Protecting Texas by
Reducing and
Preventing Pollution

Map Requested by TCEQ Office of Legal Services
for Commissioners' Agenda



Texas Commission on Environmental Quality
GIS Team (Mail Code 197)
P.O. Box 13087
Austin, Texas 78711-3087
Date: 12/12/2025
CRF 0132906
Cartographer: mattoh



- Center of Proposed MUD
- Proposed MUD Boundary
- 0.5 Mile Radius
- 1.0 Mile Radius
- 1.5 Mile Radius
- Highway
- County Boundary

The facility is located in Kaufman County. The Circle (green) in the left inset map represents the approximate location of the facility. The inset map on the right represents the location of Kaufman County (red) in the state of Texas.

Source: This map was requested by the Office of Legal Services (OLS) and is based on information provided in the application and hearing requests. The applicant provided site location information and the hearing requestors provide physical addresses. The map is a visual representation and approximation.

This map was generated by the Information Resources Division of the Texas Commission on Environmental Quality. This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. For more information concerning this map, contact the Information Resource Division at (512) 239-0800.

