

ORDINANCE NO. 2019-24

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS UPDATING AND AMENDING THE BASTROP CODE OF ORDINANCES, CHAPTER 10, ARTICLE 10.02, ENTITLED "IMPACT FEES", UPDATING THE LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENT PLAN AND AMENDING IMPACT FEES FOR WATER AND WASTEWATER UTILITIES, AS ATTACHED IN EXHIBITS A-D, AND PROVIDING FOR FINDINGS OF FACT, ENACTMENT, ENFORCEMENT, A REPEALER, AND SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.

WHEREAS, new residential and nonresidential development causes and imposes increased demands upon Bastrop public facilities and services, including water and wastewater facilities, that would not otherwise occur; and

WHEREAS, planning projections indicate that such development will continue and will place ever-increasing demands on the City to provide necessary public facilities; and

WHEREAS, the development potential and value of properties is strongly influenced and encouraged by City policy as expressed in the City's 2036 Comprehensive Plan and as implemented via the City zoning ordinance and map; and

WHEREAS, to the extent that such new development places demand upon the public facility infrastructure, those demands should be satisfied by more equitably assigning responsibility for financing the provision of such facilities from the public at large to the developments actually creating the demands for them; and

WHEREAS, the amount of the impact fee to be imposed shall be determined by the cost of the additional public facilities needed to support such development, which public facilities shall be identified in a capital improvements program; and

WHEREAS, the City Council, after careful consideration of the matter, hereby finds and declares that impact fees imposed upon residential and nonresidential development to finance specified major public facilities, the demand for which is created by such development, is in the best interests of the general welfare of the City and its residents, is equitable, and does not impose an unfair burden on such development;

WHEREAS, in 1987 the Texas Legislature adopted Senate Bill 336, now Chapter 395 of the Texas Local Government Code, and subsequently amended said Chapter from time to time; and

WHEREAS, the City Council finds that in all things the City has complied with said statute in the notice, adoption, promulgation and methodology necessary to adopt Impact Fees;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS:

SECTION 1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if

expressly set forth herein.

SECTION 2. ENACTMENT

Article 10.02, "Impact Fees", of Chapter 10, "Subdivisions," of the Code of Ordinances of the City of Bastrop are amended to read as described and attached hereto as Exhibit "A."

SECTION 3. REPEALER

In the case of any conflict between other provisions of this Ordinance and any existing Ordinance of the City, the provisions of this Ordinance will control.

SECTION 4. SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity or the unenforceability will not affect any other provisions or applications of this Ordinance that can be given effect without the invalid provision.

SECTION 5. ENFORCEMENT

The City shall have the power to administer and enforce the provisions of this ordinance as may be required by governing law. Any person violating any provision of this ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations, and such violation is hereby declared to be a nuisance.

Nothing in this ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this ordinance and to seek remedies as allowed by law and/or equity.

SECTION 6. EFFECTIVE DATE

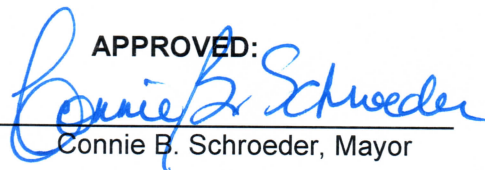
This Ordinance shall be effective immediately upon passage and publication.

SECTION 7. OPEN MEETINGS

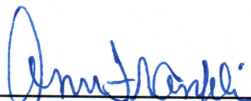
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

READ & ACKNOWLEDGED on First Reading on the 14th day of August 2019.

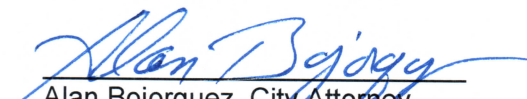
READ & APPROVED on the Second Reading on the 27th day of August 2019.

APPROVED:
by 
Connie B. Schroeder, Mayor

ATTEST:


Ann Franklin, City Secretary

APPROVED AS TO FORM:


Alan Bojorquez, City Attorney

City of Bastrop Code of Ordinances

Chapter 10 – SUBDIVISIONS

Article 10.02 – Impact Fees

DIVISION 1. - GENERALLY

Sec. 10.02.001 - Short Title.

No changes.

Sec. 10.02.002 - Intent.

No changes.

Sec. 10.02.003 - Authority.

No changes.

Sec. 10.02.004 - Definitions.

No changes.

Sec. 10.02.005 - Applicability.

No changes.

Sec. 10.02.006 - Impact Fees as Conditions of Development Approval.

No changes.

Sec. 10.02.007 - Establishment of Water and Wastewater Service Areas.

No changes.

Sec. 10.02.008 - Land Use Assumptions.

Land use assumptions used in the development of the impact fees are contained in Exhibit A to Ordinance 2019-24. These assumptions may be revised by the City Council according to the procedure set forth in V.T.C.A. Local Government Code, Chapter 395 and its successors.

Sec. 10.02.009 - Service Units.

No changes.

Sec. 10.02.010 - Impact Fees Per Service Unit.

(a) The maximum impact fee per service unit for each service area shall be computed by dividing the growth-related capital construction cost of service in the service area identified in the capital improvements plan for that category of capital improvements, by the total number of projected service units anticipated within the service area which are necessitated by and attributable to new development, based on the land use assumptions for that service area, and adjusted by subtracting credits in the form of future rate or tax contributions to water and/or wastewater CIP funding and adding any additional amount as may be yielded in the inflation-escalator portion of the fee assessment formula set forth in Sec. 10.02.011. Maximum impact fees per service unit for each service area shall be established by category of capital improvements and shall be set forth in Exhibit B to Ordinance 2019-24.

(b) Exhibit B to Ordinance 2019-24 may be amended by the City Council according to the procedure set forth in Chapter 395 of the Texas Local Government Code and its successors.

(c) The effective impact fees per service unit may be amended from time to time by the City Council through ordinance amendment to any amount less than that set forth in Exhibit B to Ordinance 2019-24.

Sec. 10.02.011 - Assessment.

(a) *No changes.*

(b) Assessment of the impact fee for any new development shall be made as follows:

(1) *No changes.*

(2) For new development, which has received final plat approval prior to the effective date of this article and for which no re-platting is necessary prior to the issuance of a building permit, assessment shall be upon the issuance of a building permit, and shall be the value of the effective impact fee per service unit set forth in Exhibit B to Ordinance 2019-24.

(3) For new development, which occurs or is proposed to occur without platting, assessment shall be upon the issuance of a building permit and shall be the value of the effective impact fee per service unit set forth in Exhibit B to Ordinance 2019-24.

(4) *No changes.*

(5) *No changes.*

(c) *No changes.*

(d) *No changes.*

Sec. 10.02.012 - Calculation of Impact Fees.

No changes

Sec. 10.02.013 - Collection of Impact Fees.

No changes.

Sec. 10.02.014 - Offsets Against Impact Fees.

No changes.

Sec. 10.02.015 - Establishment of Accounts and Records.

No changes.

Sec. 10.02.016 - Use of Proceeds of Impact Fee Accounts.

No changes.

Sec. 10.02.017 – Appeals.

No changes.

Sec. 10.02.018 – Refunds.

No changes.

Sec. 10.02.019 - Updates to Plan and Revision of Fees.

No changes.

Sec. 10.02.020 - Functions of Advisory Committee.

No Changes.

Sec. 10.02.021 - Agreement for Capital Improvements.

No changes.

Sec. 10.02.022 - Use of Other Financing Mechanisms.

No changes.

Sec. 10.02.023 - Impact Fees as Additional and Supplemental Regulation.

No changes.

Sec. 10.02.024 - Relief Procedures.

No changes.

Sec. 10.02.025 - Exemptions.

No changes.

Sec. 10.02.026 - Certification of Compliance Required.

No changes.

Secs. 10.02.027 – 10.02.060 Reserved.

DIVISION 2. – WATER FACILITIES

Sec. 10.02.061 - Service Area.

No changes.

Sec. 10.02.062 - Improvements Plan.

(a) The Water Improvements Plan for the City is hereby adopted as Exhibit C to Ordinance 2019-24 and incorporated by reference herein.

(b) *No changes.*

Sec. 10.02.063 - Impact Fees.

(a) The maximum impact fee values per service unit for water facilities are hereby adopted and incorporated in Exhibit B to Ordinance 2019-24 and made a part hereof by reference.

(b) *No changes.*

Secs. 10.02.064-10.02.090 – Reserved.

DIVISION 3. - WASTEWATER FACILITIES

Sec. 10.02.091 - Service Area.

No changes.

Sec. 10.02.092 - Improvements Plan.

(a) The Wastewater Improvements Plan for the City is hereby adopted as Exhibit D to Ordinance 2019-24 hereto and incorporated by reference herein.

(b) *No changes.*

Sec. 10.02.093 - Impact Fees.

(a) The maximum impact fee values per service unit for wastewater facilities are hereby adopted and incorporated in Exhibit B to Ordinance 2019-24 and made a part hereof by reference.

(b) *No changes.*

Exhibit A
Future Land Use Assumptions

Future Land Use Assumptions (Acres Developed)

Land Use (Acres)	<u>2016</u>	<u>2026</u>	<u>Build Out</u>
Single Family Residential	1,697	2,476	3,616
Retail / Office	96	140	211
Commercial	1,181	1,723	2,274
Industrial	174	254	459
Parks and Open Space and Agriculture	748	748	748
Total Developed Acreage	3,896	5,341	7,308

Future Land Use Assumptions (Service Unit Equivalents and Population)

	<u>2019</u>	<u>2029</u>	<u>2055</u>
Population	11,408	13,972	17,700
Water Service Population	8,937	12,010	15,249
Sewer Service Population	8,765	10,780	15,079
Water SUEs	6,822	9,168	9,147
Sewer SUEs	6,250	8,400	10,752

Exhibit B

Maximum and Effective Impact Fee

Meter Type	Meter Size	Multiplier	Maximum Impact Fee			Effective Impact Fee		
			Water	Sewer	Both	Water	Sewer	Both
Simple	5/8" x 3/4"	1.0	\$ 1,785.00	\$ 5,020.00	\$ 6,805.00	\$ 1,785.00	\$ 5,020.00	\$ 6,805.00
Simple	3/4"	1.0	1,785.00	5,020.00	6,805.00	1,785.00	5,020.00	6,805.00
Simple	1"	2.5	4,462.50	12,550.00	17,012.50	4,462.50	12,550.00	17,012.50
Simple	1 1/2"	5.0	8,925.00	25,100.00	34,025.00	8,925.00	25,100.00	34,025.00
Simple	2"	8.0	14,280.00	40,160.00	54,440.00	14,280.00	40,160.00	54,440.00
Compound	2"	8.0	14,280.00	40,160.00	54,440.00	14,280.00	40,160.00	54,440.00
Turbine	2"	10.0	17,850.00	50,200.00	68,050.00	17,850.00	50,200.00	68,050.00
Compound	3"	16.0	28,560.00	80,320.00	108,880.00	28,560.00	80,320.00	108,880.00
Turbine	3"	24.0	42,840.00	120,480.00	163,320.00	42,840.00	120,480.00	163,320.00
Compound	4"	25.0	44,625.00	125,500.00	170,125.00	44,625.00	125,500.00	170,125.00
Turbine	4"	42.0	74,970.00	210,840.00	285,810.00	74,970.00	210,840.00	285,810.00
Compound	6"	50.0	89,250.00	251,000.00	340,250.00	89,250.00	251,000.00	340,250.00
Turbine	6"	92.0	164,220.00	461,840.00	626,060.00	164,220.00	461,840.00	626,060.00
Compound	8"	80.0	142,800.00	401,600.00	544,400.00	142,800.00	401,600.00	544,400.00
Turbine	8"	160.0	285,600.00	803,200.00	1,088,800.00	285,600.00	803,200.00	1,088,800.00
Compound	10"	115.0	205,275.00	577,300.00	782,575.00	205,275.00	577,300.00	782,575.00
Turbine	10"	250.0	446,250.00	1,255,000.00	1,701,250.00	446,250.00	1,255,000.00	1,701,250.00
Turbine	12"	330.0	589,050.00	1,656,600.00	2,245,650.00	589,050.00	1,656,600.00	2,245,650.00

Exhibit C
Water Capital Improvements Plan

<u>Facility Type</u>	<u>Impact Fee Project Name</u>	<u>Total Construction Cost</u>	<u>Capacity</u>	<u>2019-2029 Demand</u>	<u>Recoverable Cost</u>
Water Supply	Willow Street Plant (Wells C-G)	\$ 781,865	3,319,200	13%	\$ 104,332
Water Supply	Bob Bryan Park Site Phase I (Wells H and I)	424,853	1,224,000	13%	56,692
Water Supply	Bob Bryan Park Side Phase 2	1,462,720	1,152,000	13%	195,185
Water Supply	Initial Water Supply XS Ranch	2,000,000	2,677,808	13%	266,879
Water Supply	Well J & Monitoring Well	1,449,450	2,160,000	13%	193,414
Water Supply	Water Plant (XS Ranch)	9,696,635	3,600,000	13%	1,293,915
Water Supply	Add'l Wtr Supply (16" River Crossing Wtr Line)	1,000,000	1,058,400	13%	133,440
Water Pumping	Willow High Service 1	9,962	720,000	23%	2,324
Water Pumping	Willow High Service 2	9,962	720,000	23%	2,324
Water Pumping	Willow High Service 3	9,962	720,000	23%	2,324
Water Pumping	Willow High Service 4	19,638	768,000	23%	4,582
Water Pumping	Willow High Service 5	19,638	768,000	23%	4,582
Water Pumping	Willow High Service 6	19,638	768,000	23%	4,582
Water Pumping	Bob Bryant High Service 1	74,815	1,344,000	23%	17,456
Water Pumping	Bob Bryant High Service 2	74,815	1,344,000	23%	17,456
Water Pumping	Bob Bryant Transfer Pump 1	20,000	384,000	23%	4,667
Water Pumping	Bob Bryant Transfer Pump 2	20,000	384,000	23%	4,667
Water Pumping	Loop 150 Tank Yard Pump 1	4,862	384,000	23%	1,134
Water Pumping	Loop 150 Tank Yard Pump 2	4,862	384,000	23%	1,134
Ground Storage	Bob Bryant (Tank 4)	263,080	285,000	15%	39,190
Ground Storage	GST Re-Use at WWTP	128,762	40,000	15%	19,181
Ground Storage	Tank 1 at Willow Street	350,000	500,000	15%	52,138
Ground Storage	Tank 2 at Willow Street	350,000	500,000	15%	52,138
Ground Storage	Hwy 20 (along with Elev Tank)	1,142,100	250,000	15%	170,135
Elevated Storage	Est at Loop 150	375,000	250,000	14%	51,005
Elevated Storage	Standpipe at Loop 150	700,000	1,000,000	14%	95,209
Elevated Storage	GST at Loop 150	140,000	225,000	14%	19,042
Elevated Storage	Elevated tower west at Hwy 20 (supply)	1,490,800	250,000	14%	202,768
Transmission Lines	8-inch line on Old Austin Hwy	146,590	1,000	26%	37,849
Transmission Lines	12-inch line on Perkins/Higgins	96,491	1,000	26%	24,914
Transmission Lines	12-inch line on Eskew/Loop 150	48,904	1,000	26%	12,627
Transmission Lines	Hunters Crossing Blvd (16-inch)	100,160	1,200	26%	25,861
Transmission Lines	Downtown Feeder (8-inch)	148,500	450	26%	38,342
Transmission Lines	Willow/Wilson Connection (6-inch)	-	250	26%	-
Transmission Lines	Loop 150 Standpipe Feeder (10, 12 inch)	1,058,750	1,000	26%	273,367
Transmission Lines	SH 95 North (12-inch)	437,600	1,000	26%	112,987
Transmission Lines	Hoffman Road (8-inch)	77,000	450	26%	19,881
Transmission Lines	Loop 150 West Feeder (12-inch)	438,510	1,000	26%	113,222
Transmission Lines	Eskew St. (12-inch)	102,900	2,600	26%	26,569
Transmission Lines	Higgins St. (12-inch)	73,500	2,600	26%	18,978
Transmission Lines	SH 71 (North Line) (12-inch)	280,000	1,000	26%	72,295
Transmission Lines	SH 71 (South Line) (12-inch)	444,500	1,000	26%	114,769
Transmission Lines	Hasler Blvd (12-inch)	119,000	1,000	26%	30,726
Transmission Lines	Agnes Street (12-inch)	41,300	1,000	26%	10,664
Transmission Lines	Old Austin Hwy (8,12 inch)	647,700	1,000	26%	167,235
Transmission Lines	SH 71 (West Line) (12-inch)	13,050	1,000	26%	3,369
Transmission Lines	Hunters Point Drive (12, 16-inch)	57,750	1,200	26%	14,911
Transmission Lines	Elevated Tank Feeder (12, 16-inch)	852,500	1,200	26%	220,114
Transmission Lines	Hasler Shores Feeder (8 inch)	166,000	450	26%	42,861
Transmission Lines	SH 71 East / Buc-ee's (12-inch)	-	1,000	26%	-
Transmission Lines	Ground Storage Tank Feeder (12-inch)	375,900	1,000	26%	97,057
Transmission Lines	Bob Bryant Feeder (12-inch)	66,750	1,000	26%	17,235
Transmission Lines	Blair Avenue (12-inch)	19,500	1,000	26%	5,035
Transmission Lines	Phase II Infrastructure for Well & Transmission	5,800,000	2,500	26%	1,497,548
Transmission Lines	16" watermain crossing under river	2,235,000	1,500	26%	577,072
Transmission Lines	Watermain Replacement Pine Street Size In...	250,000	100	26%	64,549

Exhibit C
Water Capital Improvements Plan

<u>Facility Type</u>	<u>Impact Fee Project Name</u>	<u>Total</u>		<u>2019-2029</u>	<u>Recoverable</u>
		<u>Construction</u>	<u>Capacity</u>		
Transmission Lines	Riverwood Waterline Improvements (Size Ir...)	1,000,000	250	26%	258,198
Transmission Lines	Water Main ext. Arena Dr. to Pitt	350,000	250	26%	90,369
Transmission Lines	Water Main Ext. SH304 to WWTP 3	800,000	250	26%	206,558
Transmission Lines	18" line from XS Ranch Water Plant to Willow Plant	2,420,000	9,333	26%	624,839
	Water Impact Fee Update	9,250		100%	9,250
	Total	\$ 40,720,524	27,219,991		\$ 7,841,146

Exhibit D

Wastewater Capital Improvements Plan

<u>Facility Type</u>	<u>Impact Fee Project Name</u>	<u>Total Construction Cost</u>	<u>Capacity</u>	<u>2019-2029 Demand</u>	<u>Recoverable Cost</u>
WW Treatment	WWTP No. 1 & 2 Replaced headworks	\$ 451,274	1,400,000	16%	\$ 71,325
WW Treatment	2 MGD WWTP #3 Construction / Design	25,292,000	2,000,000	16%	3,997,486
WW Pumping	Home Depot LS	70,000	115,200	25%	17,551
WW Pumping	Riverside Grove LS	69,500	662,400	25%	17,425
WW Pumping	Old Austin LS	52,000	180,000	25%	13,038
WW Pumping	Central LS	255,730	1,339,200	25%	64,117
WW Pumping	Hunters Crossing LS	100,000	751,680	25%	25,072
WW Pumping	River LS	100,000	648,000	25%	25,072
WW Pumping	North Pecan LS	66,500	475,200	25%	16,673
WW Pumping	Lincoln LS	50,000	48,960	25%	12,536
WW Pumping	Wilson LS 1	15,000	72,000	25%	3,761
WW Pumping	Wilson LS 2	15,000	72,000	25%	3,761
WW Pumping	Fisherman Park LS	225,930	329,000	25%	56,646
WW Pumping	Main Street LS	100,000	648,000	25%	25,072
WW Pumping	Mauna LOA SL	284,000	432,000	25%	71,205
WW Pumping	WWTP	50,000	1,080,000	25%	12,536
WW Pumping	Gills Branch LS	250,000	648,000	25%	62,681
WW Pumping	Lift Station Emergency Generators	-	-	25%	-
Major Collection Lines	MLK Street Gravity Main	146,590	3,192,000	92%	134,958
Major Collection Lines	Pecan Street Gravity Main	171,255	3,192,000	92%	157,666
Major Collection Lines	Central LS Force Main	143,956	1,762,000	92%	132,533
Major Collection Lines	North Pecan LS Force Main	5,775	282,000	92%	5,317
Major Collection Lines	Highway 71 Pipe Bursting Project (Expansion from 10" to 15")	659,000	1,117	92%	606,708
Major Collection Lines	Fayette St. Improvement (Expansion from 12" to 18")	230,837	1,502	92%	212,520
Major Collection Lines	WW Main ext. Hwy 71 City Limits to Home Depot	800,000	1,650	92%	736,520
Major Collection Lines	12" Force Main and Central Lift Station	208,000	3,500	92%	191,495
Major Collection Lines	Westside Collection System Gravity Sewer Improvements	8,150,866	23,564	92%	7,504,095
Major Collection Lines	WWTP No. 1 & No. 2 Transfer Pipeline	6,440,387	5,600	92%	5,929,343
Major Collection Lines	Sewer Line replacement (Main St. & Maple, Mesquite, Magnolia, Locust)	150,000	400	92%	138,098
	Wastewater Impact Fee Update	9,250		100%	9,250
	Total	\$ 44,562,850	19,366,973		\$ 20,254,461