

ORDINANCE NO. 2025-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BASTROP, TEXAS UPDATING AND AMENDING THE BASTROP CODE OF ORDINANCES, CHAPTER 13, ARTICLE 13.12, 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-C, 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 13.12, "Impact Fees", of Chapter 13, "Utilities," 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

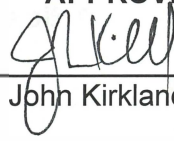
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

READ & ACKNOWLEDGED on First Reading on the 25th day of February 2025.

READ & APPROVED on the Second Reading on the 11th day of March 2025.

APPROVED:

by



John Kirkland, Mayor Pro-Tem

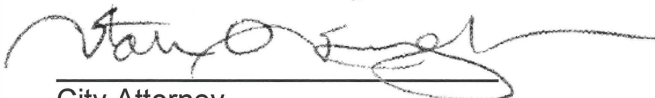
ATTEST:



Victoria Psencik, Assistant City Secretary



APPROVED AS TO FORM:



City Attorney

Exhibit A

City of Bastrop Code of Ordinances

Chapter 13 – UTILITIES

Article 13.12 – Impact Fees

DIVISION 1. - GENERALLY

Sec. 13.12.001 - Short Title.

No changes.

Sec. 13.12.002 - Intent.

No changes.

Sec. 13.12.003 - Authority.

No changes.

Sec. 13.12.004 - Definitions.

No changes.

Sec. 13.12.005 - Applicability.

No changes.

Sec. 13.12.006 - Impact Fees as Conditions of Development Approval.

No changes.

Sec. 13.12.007 - Establishment of Water and Wastewater Service Areas.

No changes.

Sec. 13.12.008 - Land Use Assumptions.

Land use assumptions used in the development of the impact fees are contained in Exhibit B to Ordinance -2022-18. 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. 13.12.009 - Service Units.

No changes.

Sec. 13.12.010 - 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. 13.12.011. 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 C to Ordinance ~~20-2022-~~18.

(b) Exhibit BC to Ordinance ~~20-2022-~~18 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 BC to Ordinance ~~20-2022-~~18.

Sec. 13.12.011 - 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 BC to Ordinance ~~20-2022-~~18.

(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 BC to Ordinance ~~20-2022-~~18.

(4) *No changes.*

(5) *No changes.*

(c) *No changes.*

(d) *No changes.*

Sec. 13.12.012 - Calculation of Impact Fees.

No changes

Sec. 13.12.013 - Collection of Impact Fees.

No changes.

Sec. 13.12.014 - Offsets Against Impact Fees.

No changes.

Sec. 13.12.015 - Establishment of Accounts and Records.

No changes.

Sec. 13.12.016 - Use of Proceeds of Impact Fee Accounts.

No changes.

Sec. 13.12.017 – Appeals.

No changes.

Sec. 13.12.018 – Refunds.

No changes.

Sec. 13.12.019 - Updates to Plan and Revision of Fees.

No changes.

Sec. 13.12.020 - Functions of Advisory Committee.

No Changes.

Sec. 13.12.021 - Agreement for Capital Improvements.

No changes.

Sec. 13.12.022 - Use of Other Financing Mechanisms.

No changes.

Sec. 13.12.023 - Impact Fees as Additional and Supplemental Regulation.

No changes.

Sec. 13.12.024 - Relief Procedures.

No changes.

Sec. 13.12.025 - Exemptions.

No changes.

Sec. 13.12.026 - Certification of Compliance Required.

No changes.

Secs. 13.12.027 – 13.12.060 Reserved.

DIVISION 2. – WATER FACILITIES

Sec. 13.12.061 - Service Area.

No changes.

Sec. 13.12.062 - Improvements Plan.

(a) The Water Improvements Plan for the City is hereby adopted as Exhibit GD to Ordinance 20-2022-18 and incorporated by reference herein.

(b) *No changes.*

Sec. 13.12.063 - Impact Fees.

(a) The maximum impact fee values per service unit for water facilities are hereby adopted and incorporated in Exhibit BC to Ordinance 20-2022-18 and made a part hereof by reference.

(b) *No changes.*

Secs. 13.12.064-13.12.090 – Reserved.

DIVISION 3. - WASTEWATER FACILITIES

Sec. 13.12.091 - Service Area.

No changes.

Sec. 13.12.092 - Improvements Plan.

(a) The Wastewater Improvements Plan for the City is hereby adopted as Exhibit [DE](#) to Ordinance [20-2022-18](#) hereto and incorporated by reference herein.

(b) *No changes.*

Sec. 13.12.093 - Impact Fees.

(a) The maximum impact fee values per service unit for wastewater facilities are hereby adopted and incorporated in Exhibit [BC](#) to Ordinance [20-2022-18](#) and made a part hereof by reference.

(b) *No changes.*

Exhibit B
Maximum and Effective Impact Fee

<u>Meter Type</u>	<u>Meter Size</u>	<u>Multiplier</u>	<u>Maximum Impact Fee</u>				<u>Effective Impact Fee</u>			
			<u>Water - Production</u>	<u>Water - Distribution</u>	<u>Sewer</u>	<u>All</u>	<u>Water - Production</u>	<u>Water - Distribution</u>	<u>Sewer</u>	<u>All</u>
Simple	5/8" x 3/4"	1.0	\$ 1,347.00	\$ 6,835.00	\$ 8,625.00	\$ 16,807.00	\$ 1,347.00	\$ 6,835.00	\$ 8,625.00	\$ 16,807.00
Simple	3/4"	1.0	1,347.00	6,835.00	8,625.00	16,807.00	1,347.00	6,835.00	8,625.00	16,807.00
Simple	1"	2.5	3,367.50	17,087.50	21,562.50	42,017.50	3,367.50	17,087.50	21,562.50	42,017.50
Simple	1 1/2"	5.0	6,735.00	34,175.00	43,125.00	84,035.00	6,735.00	34,175.00	43,125.00	84,035.00
Simple	2"	8.0	10,776.00	54,680.00	69,000.00	134,456.00	10,776.00	54,680.00	69,000.00	134,456.00
Compound	2"	8.0	10,776.00	54,680.00	69,000.00	134,456.00	10,776.00	54,680.00	69,000.00	134,456.00
Turbine	2"	10.0	13,470.00	68,350.00	86,250.00	168,070.00	13,470.00	68,350.00	86,250.00	168,070.00
Compound	3"	16.0	21,552.00	109,360.00	138,000.00	268,912.00	21,552.00	109,360.00	138,000.00	268,912.00
Turbine	3"	24.0	32,328.00	164,040.00	207,000.00	403,368.00	32,328.00	164,040.00	207,000.00	403,368.00
Compound	4"	25.0	33,675.00	170,875.00	215,625.00	420,175.00	33,675.00	170,875.00	215,625.00	420,175.00
Turbine	4"	42.0	56,574.00	287,070.00	362,250.00	705,894.00	56,574.00	287,070.00	362,250.00	705,894.00
Compound	6"	50.0	67,350.00	341,750.00	431,250.00	840,350.00	67,350.00	341,750.00	431,250.00	840,350.00
Turbine	6"	92.0	123,924.00	628,820.00	793,500.00	1,546,244.00	123,924.00	628,820.00	793,500.00	1,546,244.00
Compound	8"	80.0	107,760.00	546,800.00	690,000.00	1,344,560.00	107,760.00	546,800.00	690,000.00	1,344,560.00
Turbine	8"	160.0	215,520.00	1,093,600.00	1,380,000.00	2,689,120.00	215,520.00	1,093,600.00	1,380,000.00	2,689,120.00
Compound	10"	115.0	154,905.00	786,025.00	991,875.00	1,932,805.00	154,905.00	786,025.00	991,875.00	1,932,805.00
Turbine	10"	250.0	336,750.00	1,708,750.00	2,156,250.00	4,201,750.00	336,750.00	1,708,750.00	2,156,250.00	4,201,750.00
Turbine	12"	330.0	444,510.00	2,255,550.00	2,846,250.00	5,546,310.00	444,510.00	2,255,550.00	2,846,250.00	5,546,310.00

Exhibit C
Wastewater Capital Improvements Plan

<u>Facility Type</u>	<u>Impact Fee Project Name</u>	<u>Total Construction Cost</u>	<u>Capacity</u>	<u>2024-2034 Demand</u>	<u>Recoverable Cost</u>
WW Treatment	WWTP No. 1 & 2 Replaced headworks	\$ 451,274	1,400,000	7.86%	\$ 35,449
WW Treatment	2 MGD WWTP #3 Construction / Design	29,005,900	2,000,000	7.86%	2,278,495
WW Treatment	2 MGD WWTP #3 Phase II Construction / Design	98,000,000	2,000,000	7.86%	7,698,174
WW Treatment	6 MGD WWTP #3 Phase II	204,557,000	6,000,000	7.86%	16,068,525
WW Pumping	Home Depot LS	70,000	115,200	13.00%	9,103
WW Pumping	Riverside Grove LS	69,500	662,400	13.00%	9,038
WW Pumping	Old Austin LS	52,000	180,000	13.00%	6,762
WW Pumping	Central LS	255,730	1,339,200	13.00%	33,257
WW Pumping	Hunters Crossing LS	100,000	751,680	13.00%	13,005
WW Pumping	River LS	100,000	648,000	13.00%	13,005
WW Pumping	North Pecan LS	66,500	475,200	13.00%	8,648
WW Pumping	Lincoln LS	50,000	48,960	13.00%	6,502
WW Pumping	Wilson LS 1	15,000	72,000	13.00%	1,951
WW Pumping	Wilson LS 2	15,000	72,000	13.00%	1,951
WW Pumping	Fisherman Park LS	225,930	329,000	13.00%	29,381
WW Pumping	Main Street LS	100,000	648,000	13.00%	13,005
WW Pumping	Mauna LOA SL	284,000	432,000	13.00%	36,933
WW Pumping	WWTP	50,000	1,080,000	13.00%	6,502
WW Pumping	Gills Branch LS	250,000	648,000	13.00%	32,512
WW Pumping	XS Ranch LS	5,000,000	345	13.00%	650,231
Major Collection Lines	MLK Street Gravity Main	146,590	3,192,000	0.00%	-
Major Collection Lines	Pecan Street Gravity Main	171,255	3,192,000	0.00%	-
Major Collection Lines	Central LS Force Main	143,956	1,762,000	0.00%	-
Major Collection Lines	North Pecan LS Force Main	5,775	282,000	0.00%	-
Major Collection Lines	Highway 71 Pipe Bursting Project (Expansion from 10" to 15")	659,000	880,888	0.00%	-
Major Collection Lines	Fayette St. Improvement (Expansion from 12" to 18")	230,837	1,268,478	0.00%	-
Major Collection Lines	Westside Collection System Gravity Sewer Improvements	8,150,866	23,564	100.00%	8,150,866
Major Collection Lines	Transfer Lift Station and Force Main	4,440,387	5,600	100.00%	4,440,387
Major Collection Lines	Sewer Line replacement (Main St. & Maple, Mesquite, Magnolia, Locust)	395,000	1,200	100.00%	395,000
Major Collection Lines	10-inch sewer line Agnes St Extension (1800LF)	500,000	860	100.00%	500,000
Major Collection Lines	24-inch sewer line from Hunter's Crossing to West Bastrop Village	539,569	4,320	100.00%	539,569
Major Collection Lines	XS Ranch 8-inch sewer force mains to be installed as part of the WTP - 22,000LF (t	2,200,000	1,127,536	100.00%	2,200,000
Major Collection Lines	Financial Way Improvements - 620LF of 8-inch sewer line	130,000	480	100.00%	130,000
Major Collection Lines	Jackson St Extension - 2400LF of 8-inch	350,000	480	100.00%	350,000
Major Collection Lines	Blakey Lane Ext - 8100LF 36-inch	3,800,000	10,850	100.00%	3,800,000
Major Collection Lines	Valverde Offsite WWL - 6300 LF? And 24-inch	5,400,000	4,320	100.00%	5,400,000
	Wastewater Impact Fee Update	6,250		100.00%	6,250
	Total	\$ 365,987,319			\$ 52,864,500