

ORDINANCE NO. 2020-21

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-E, 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.

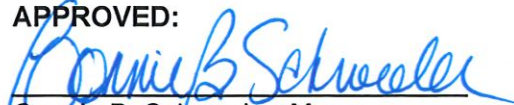
SECTION 6. EFFECTIVE DATE This Ordinance shall be effective immediately upon passage and publication.

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 28th day of July 2020.

READ & APPROVED on the Second Reading on the 11th day of August 2020.

APPROVED:




Connie B. Schroeder, Mayor

ATTEST:



Ann Franklin, City Secretary

APPROVED AS TO FORM:



Alan Bojorquez, 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.

The service areas shall be established consistent with any facility service area established in the CIP for each utility. Additions to the service area may be designated by the City Council consistent with the procedure set forth in V.T.C.A. Local Government Code, ch. 395.

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 -2020-21. 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 Ordinance2020-21.

(b) Exhibit C to Ordinance 2020-21 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 C to Ordinance2020-21.

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 C to Ordinance2020-21.

(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 C to Ordinance2020-21.

(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 D to Ordinance 2020-21 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 C to Ordinance 2020-21 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 E to Ordinance 2020-21 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 C to Ordinance 2020-21 and made a part hereof by reference.

(b) *No changes.*

Exhibit B
Future Land Use Assumptions

Future Land Use Assumptions (Acres Developed)
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Land Use (Acres)	<u>2020</u>	<u>2030</u>	<u>Build Out</u>
Single Family Residential	1,974	2,609	3,616
Retail / Office	112	148	211
Commercial	1,374	1,790	2,274
Industrial	202	276	459
Parks and Open Space and Agriculture	748	748	748
Total Developed Acreage	4,410	5,571	7,308

Future Land Use Assumptions (Service Unit Equivalentents and Population)

	<u>2020</u>	<u>2030</u>	<u>2055</u>
Population	11,697	15,030	17,700
Water Service Population	7,999	10,750	22,508
Sewer Service Population	7,832	10,525	22,037
Water SUEs	6,106	8,206	17,181
Sewer SUEs	5,584	7,505	15,714

Exhibit C

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	\$ 4,109.00	\$ 6,173.00	\$ 10,282.00	\$ 4,109.00	\$ 6,173.00	\$ 10,282.00
Simple	3/4"	1.0	4,109.00	6,173.00	10,282.00	4,109.00	6,173.00	10,282.00
Simple	1"	2.5	10,272.50	15,432.50	25,705.00	10,272.50	15,432.50	25,705.00
Simple	1 1/2"	5.0	20,545.00	30,865.00	51,410.00	20,545.00	30,865.00	51,410.00
Simple	2"	8.0	32,872.00	49,384.00	82,256.00	32,872.00	49,384.00	82,256.00
Compound	2"	8.0	32,872.00	49,384.00	82,256.00	32,872.00	49,384.00	82,256.00
Turbine	2"	10.0	41,090.00	61,730.00	102,820.00	41,090.00	61,730.00	102,820.00
Compound	3"	16.0	65,744.00	98,768.00	164,512.00	65,744.00	98,768.00	164,512.00
Turbine	3"	24.0	98,616.00	148,152.00	246,768.00	98,616.00	148,152.00	246,768.00
Compound	4"	25.0	102,725.00	154,325.00	257,050.00	102,725.00	154,325.00	257,050.00
Turbine	4"	42.0	172,578.00	259,266.00	431,844.00	172,578.00	259,266.00	431,844.00
Compound	6"	50.0	205,450.00	308,650.00	514,100.00	205,450.00	308,650.00	514,100.00
Turbine	6"	92.0	378,028.00	567,916.00	945,944.00	378,028.00	567,916.00	945,944.00
Compound	8"	80.0	328,720.00	493,840.00	822,560.00	328,720.00	493,840.00	822,560.00
Turbine	8"	160.0	657,440.00	987,680.00	1,645,120.00	657,440.00	987,680.00	1,645,120.00
Compound	10"	115.0	472,535.00	709,895.00	1,182,430.00	472,535.00	709,895.00	1,182,430.00
Turbine	10"	250.0	1,027,250.00	1,543,250.00	2,570,500.00	1,027,250.00	1,543,250.00	2,570,500.00
Turbine	12"	330.0	1,355,970.00	2,037,090.00	3,393,060.00	1,355,970.00	2,037,090.00	3,393,060.00

Exhibit D
Water Capital Improvements Plan

<u>Facility Type</u>	<u>Impact Fee Project Name</u>	<u>Total Construction Cost</u>	<u>Capacity</u>	<u>2020-2030 Demand</u>	<u>Recoverable Cost</u>
Water Supply	Willow Street Plant (Wells C-G)	\$ 781,865	3,319,200	9.66%	\$ 75,528
Water Supply	Bob Bryan Park Site Phase I (Wells H and I)	424,853	1,224,000	9.66%	41,041
Water Supply	Bob Bryan Park Side Phase 2	1,462,720	1,152,000	9.66%	141,299
Water Supply	Initial Water Supply XS Ranch	2,000,000	2,677,808	9.66%	193,200
Water Supply	Well J & Monitoring Well	1,449,450	2,160,000	9.66%	140,017
Water Supply	Water Plant (XS Ranch)	11,751,624	3,600,000	9.66%	1,135,207
Water Supply	Add'l Wtr Supply (16" River Crossing Wtr Line)	1,000,000	1,058,400	9.66%	96,600
Water Supply	XS Ranch groundwater well construction (3 add'l wells)	6,732,876	3,600,000	9.66%	650,396
Water Pumping	Willow High Service 1	9,962	720,000	20.86%	2,078
Water Pumping	Willow High Service 2	9,962	720,000	20.86%	2,078
Water Pumping	Willow High Service 3	9,962	720,000	20.86%	2,078
Water Pumping	Willow High Service 4	19,638	768,000	20.86%	4,096
Water Pumping	Willow High Service 5	19,638	768,000	20.86%	4,096
Water Pumping	Willow High Service 6	19,638	768,000	20.86%	4,096
Water Pumping	Bob Bryant High Service 1	74,815	1,344,000	20.86%	15,606
Water Pumping	Bob Bryant High Service 2	74,815	1,344,000	20.86%	15,606
Water Pumping	Bob Bryant Transfer Pump 1	20,000	384,000	20.86%	4,172
Water Pumping	Bob Bryant Transfer Pump 2	20,000	384,000	20.86%	4,172
Water Pumping	Loop 150 Tank Yard Pump 1	4,862	384,000	20.86%	1,014
Water Pumping	Loop 150 Tank Yard Pump 2	4,862	384,000	20.86%	1,014
Water Pumping	XS Ranch Transmission Pump Station	4,023,552	11,282	20.86%	839,313
Ground Storage	Bob Bryant (Tank 4)	263,080	285,000	13.33%	35,069
Ground Storage	GST Re-Use at WWTP	128,762	40,000	13.33%	17,164
Ground Storage	Tank 1 at Willow Street	350,000	500,000	13.33%	46,655
Ground Storage	Tank 2 at Willow Street	350,000	500,000	13.33%	46,655
Ground Storage	Hwy 20 (along with Elev Tank)	1,142,100	250,000	13.33%	152,242
Elevated Storage	Est at Loop 150	375,000	250,000	12.17%	45,638
Elevated Storage	Standpipe at Loop 150	700,000	1,000,000	12.17%	85,190
Elevated Storage	GST at Loop 150	140,000	225,000	12.17%	17,038
Elevated Storage	Elevated tower west at Hwy 20 (supply)	1,490,800	250,000	12.17%	181,430
Transmission Lines	8-inch line on Old Austin Hwy	146,590	1,000	45.50%	66,698
Transmission Lines	12-inch line on Perkins/Higgins	96,491	1,000	45.50%	43,903
Transmission Lines	12-inch line on Eskew/Loop 150	48,904	1,000	45.50%	22,251
Transmission Lines	Hunters Crossing Blvd (16-inch)	100,160	1,200	45.50%	45,573
Transmission Lines	Downtown Feeder (8-inch)	148,500	450	45.50%	67,568
Transmission Lines	Willow/Wilson Connection (6-inch)	-	250	45.50%	-
Transmission Lines	Loop 150 Standpipe Feeder (10, 12 inch)	1,058,750	1,000	45.50%	481,731
Transmission Lines	SH 95 North (12-inch)	437,600	1,000	45.50%	199,108
Transmission Lines	Hoffman Road (8-inch)	77,000	450	45.50%	35,035
Transmission Lines	Loop 150 West Feeder (12-inch)	438,510	1,000	45.50%	199,522
Transmission Lines	Eskew St. (12-inch)	102,900	2,600	45.50%	46,820
Transmission Lines	Higgins St. (12-inch)	73,500	2,600	45.50%	33,443
Transmission Lines	SH 71 (North Line) (12-inch)	280,000	1,000	45.50%	127,400
Transmission Lines	SH 71 (South Line) (12-inch)	444,500	1,000	45.50%	202,248
Transmission Lines	Hasler Blvd (12-inch)	119,000	1,000	45.50%	54,145
Transmission Lines	Agnes Street (12-inch)	41,300	1,000	45.50%	18,792
Transmission Lines	Old Austin Hwy (8,12 inch)	647,700	1,000	45.50%	294,704
Transmission Lines	SH 71 (West Line) (12-inch)	13,050	1,000	45.50%	5,938
Transmission Lines	Hunters Point Drive (12, 16-inch)	57,750	1,200	45.50%	26,276
Transmission Lines	Elevated Tank Feeder (12, 16-inch)	852,500	1,200	45.50%	387,888
Transmission Lines	Hasler Shores Feeder (8 inch)	166,000	450	45.50%	75,530
Transmission Lines	SH 71 East / Buc-ee's (12-inch)	-	1,000	45.50%	-
Transmission Lines	Ground Storage Tank Feeder (12-inch)	375,900	1,000	45.50%	171,035
Transmission Lines	Bob Bryant Feeder (12-inch)	66,750	1,000	45.50%	30,371
Transmission Lines	Blair Avenue (12-inch)	19,500	1,000	45.50%	8,873
Transmission Lines	Phase II Infrastructure for Well & Transmission	5,800,000	2,500	45.50%	2,639,000

Exhibit D
Water Capital Improvements Plan

<u>Facility Type</u>	<u>Impact Fee Project Name</u>	<u>Total</u>		<u>2020-2030</u>	<u>Recoverable</u>
		<u>Construction</u>	<u>Capacity</u>	<u>Demand</u>	<u>Cost</u>
Transmission Lines	16" watermain crossing under river	2,235,000	1,500	45.50%	1,016,925
Transmission Lines	Watermain Replacement Pine Street Size In...	250,000	100	45.50%	113,750
Transmission Lines	Riverwood Waterline Improvements (Size Ir...)	1,000,000	250	45.50%	455,000
Transmission Lines	Water Main ext. Arena Dr. to Pitt	350,000	250	45.50%	159,250
Transmission Lines	Water Main Ext. SH304 to WWTP 3	800,000	250	45.50%	364,000
Transmission Lines	18" line from XS Ranch Water Plant to Willow Plant	9,161,232	9,333	45.50%	4,168,361
	Water Impact Fee Update	9,250		100%	9,250
	Total	\$ 60,273,173	30,831,273		\$ 15,570,174

**Exhibit E
Wastewater Capital Improvements Plan**

<u>Facility Type</u>	<u>Impact Fee Project Name</u>	<u>Total Construction Cost</u>	<u>Capacity</u>	<u>2020-2030 Demand</u>	<u>Recoverable Cost</u>
WW Treatment	WWTP No. 1 & 2 Replaced headworks	\$ 451,274	1,400,000	17.36%	\$ 78,341
WW Treatment	2 MGD WWTP #3 Construction / Design	24,906,958	2,000,000	17.36%	4,323,848
WW Pumping	Home Depot LS	70,000	115,200	22.40%	15,680
WW Pumping	Riverside Grove LS	69,500	662,400	22.40%	15,568
WW Pumping	Old Austin LS	52,000	180,000	22.40%	11,648
WW Pumping	Central LS	255,730	1,339,200	22.40%	57,284
WW Pumping	Hunters Crossing LS	100,000	751,680	22.40%	22,400
WW Pumping	River LS	100,000	648,000	22.40%	22,400
WW Pumping	North Pecan LS	66,500	475,200	22.40%	14,896
WW Pumping	Lincoln LS	50,000	48,960	22.40%	11,200
WW Pumping	Wilson LS 1	15,000	72,000	22.40%	3,360
WW Pumping	Wilson LS 2	15,000	72,000	22.40%	3,360
WW Pumping	Fisherman Park LS	225,930	329,000	22.40%	50,608
WW Pumping	Main Street LS	100,000	648,000	22.40%	22,400
WW Pumping	Mauna LOA SL	284,000	432,000	22.40%	63,616
WW Pumping	WWTP	50,000	1,080,000	22.40%	11,200
WW Pumping	Gills Branch LS	250,000	648,000	22.40%	56,000
WW Pumping	Lift Station Emergency Generators	-	-	22.40%	-
Major Collection Lines	WW Main ext. Hwy 71 City Limits to Home Depot	800,000	1,650	100.00%	800,000
Major Collection Lines	12" Force Main and Central Lift Station	208,000	3,500	100.00%	208,000
Major Collection Lines	Westside Collection System Gravity Sewer Improvements	8,150,866	23,564	100.00%	8,150,866
Major Collection Lines	WWTP No. 1 & No. 2 Transfer Pipeline	6,440,387	5,600	100.00%	6,440,387
Major Collection Lines	Sewer Line replacement (Main St. & Maple, Mesquite, Magnolia, Locust)	150,000	400	100.00%	150,000
	Wastewater Impact Fee Update	9,250		100.00%	9,250
	Total	\$ 42,820,395	10,936,354		\$ 20,542,312