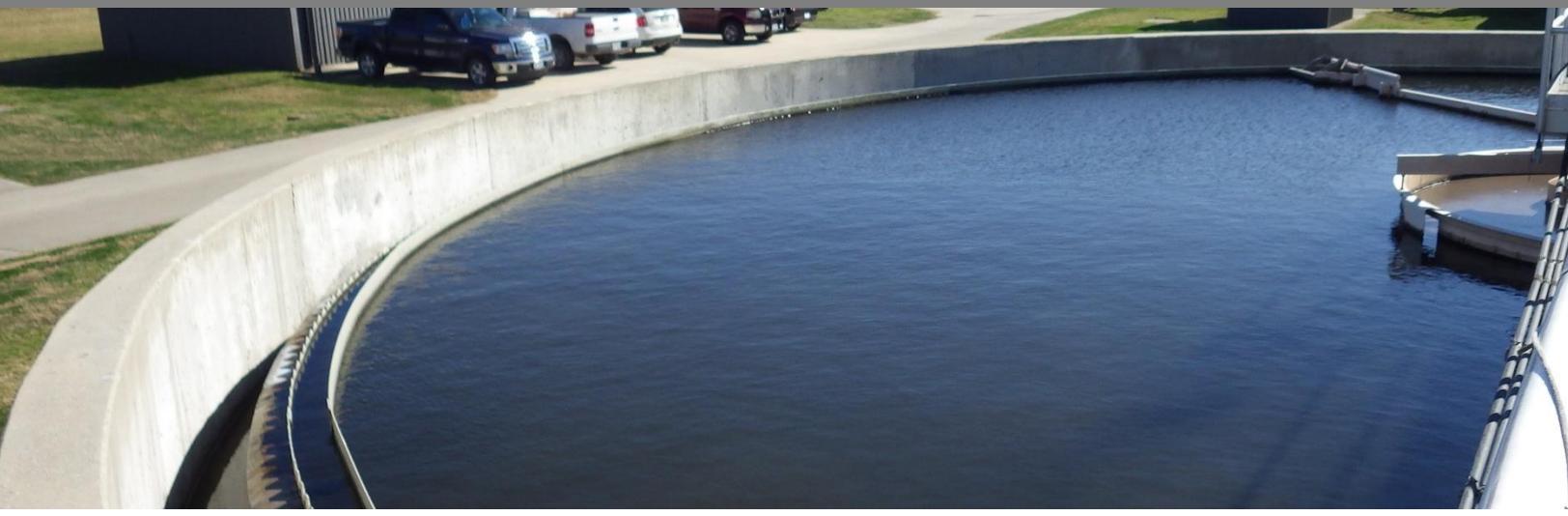




CITY OF TOMBALL

2019 WATER AND WASTEWATER IMPACT FEE STUDY

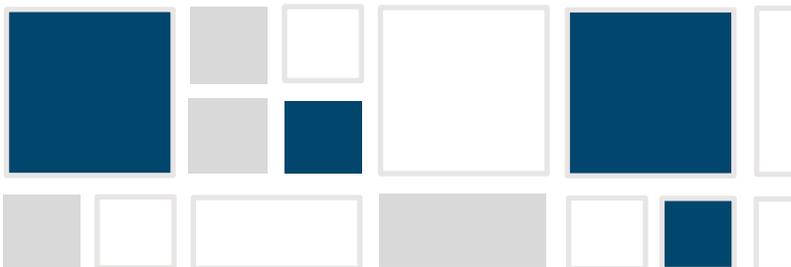
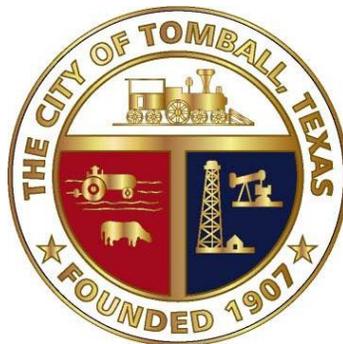


PREPARED FOR:

City of Tomball

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2019 WATER AND WASTEWATER IMPACT FEE

Prepared for:

City of Tomball



8/8/19

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FREESE AND NICHOLS, INC.
TEXAS REGISTERED
ENGINEERING FIRM
F-2144



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TMB18730

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APPENDICES

Appendix A	Texas Local Government Code Section 395
Appendix B	Anticipated Future Developments
Appendix C	Water Project Costs
Appendix D	Wastewater Project Costs
Appendix E	Public Hearing Presentation – October 7, 2019
Appendix F	City Ordinance No. 2019-24

1.0 BACKGROUND AND SCOPE

In December 2018, the City of Tomball, Texas (City) authorized Freese and Nichols, Inc. (FNI) to perform an impact fee analysis for the City’s water and wastewater systems. The purpose of this report is to document the land use assumptions and capital improvements plan which will be used in the development and calculation of water and wastewater impact fees for the City of Tomball, and to calculate the maximum allowable water and wastewater impact fees. The methodology used herein satisfies the requirements of the Texas Local Government Code (TLGC) Section 395 (**Section 1.1**) for the update of water and wastewater impact fees.

1.1 TEXAS LOCAL GOVERNMENT CODE

Chapter 395 of the Texas Local Government Code (**Appendix A**) requires an impact fee analysis before impact fees can be updated. Chapter 395 defines an impact fee as “a charge or assessment imposed by a political subdivision against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to the new development.” In September 2001, Chapter 395 was amended creating the current procedure for implementing impact fees. Chapter 395 identifies the following items as impact fee eligible costs:

- Construction contract price
- Surveying and engineering fees
- Land acquisition costs
- Fees paid to the consultant preparing or updating the capital improvements plan (CIP)
- Projected interest charges and other finance costs for projects identified in the CIP

Chapter 395 also identifies items that impact fees cannot be used to pay for, such as:

- Construction, acquisition, or expansion of public facilities or assets other than those identified on the capital improvements plan
- Repair, operation, or maintenance of existing or new capital improvements
- Upgrading, updating, expanding, or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental, or regulatory standards
- Upgrading, updating, expanding, or replacing existing capital improvements to provide better service to existing development

- Administrative and operating costs of the political subdivision
- Principal payments and interest or other finance charges on bonds or other indebtedness, except as allowed above

As a funding mechanism for capital improvements, impact fees allow cities to recover the costs associated with new or facility expansion in order to serve future development. Statutory requirements mandate that impact fees be based on a specific list of improvements identified in a capital improvements program and only the cost attributed (and necessitated) by new growth over a 10-year period may be considered. As projects in the program are completed, planned costs are updated with actual costs to more accurately reflect the capital expenditure of the program. Additionally, new capital improvement projects may be added to the system.

1.2 IMPACT FEE DEVELOPMENT

FNI completed a *Water Master Plan* in 2018 and a *Wastewater Master Plan* in 2017 for the City of Tomball that included phased, prioritized recommendations for water and wastewater capital improvement plan (CIP) projects for 5-year, 10-year, and 25-year planning periods. The Impact Fee development process will utilize project recommendations and demand and flow projections developed as part of the City's Water and Wastewater Master Plans. The impact fee calculation is limited to project recommendations within the next 10 years that will serve projected growth.

As part of the impact fee process, FNI will conduct workshops with the City's appointed Capital Improvement Plan Advisory Committee (CIPAC) and City Council. FNI calculated the maximum allowable impact fee utilizing the 50% credit option, as allowed by TLGC Chapter 395. The CIPAC's role includes recommending a growth rate for impact fee calculations, reviewing and recommending land use assumptions and impact fee CIP, and recommending an impact fee amount to the City Council. The City Council sets the impact fees to be collected.

1.3 LIST OF ABBREVIATIONS

The list of abbreviations used in this report are presented in **Table 1-1**.

Table 1-1: List of Abbreviations

Abbreviation	Actual
AD	Average Day
AWWA	American Water Works Association
CCN	Certificate of Convenience and Necessity
CIP	Capital Improvement Program
CIPAC	Capital Improvement Plan Advisory Committee
EST	Elevated Storage Tank
ETJ	Extra-Territorial Jurisdiction
FNI	Freese and Nichols, Inc.
ft	Feet
GIS	Geographic Information Systems
gpad	Gallons per acre per Day
gpcd	Gallons per Capita per Day
gpm	Gallons per Minute
GPTC	Grand Parkway Town Center
GST	Ground Storage Tank
HCID	Harris County Improvement District
HGAC	Houston Galveston Area Council
MD	Maximum Day
MG	Million Gallons
MGD	Million Gallons per Day
NHCRWA	North Harris County Regional Water Authority
PH	Peak Hour
psi	Pounds per Square Inch
SCADA	Supervisory Control and Data Acquisition
SH	State Highway
SUD	Special Utility District
SUE	Service Unit Equivalent
TCEQ	Texas Commission on Environmental Quality

2.0 LAND USE ASSUMPTIONS

Population and land use are important elements in the analysis of water and wastewater systems. To assist the City of Tomball in determining the need and timing of capital improvements to serve future development, a reasonable estimation of future growth is required. Growth and development projections were formulated based on assumptions pertaining to the type, location, quantity, and timing of various future land uses within the community. These land use assumptions, which include population projections, will become the basis for the preparation of impact fee capital improvement plans for water and wastewater facilities.

2.1 WATER AND WASTEWATER IMPACT FEE SERVICE AREAS

The impact fee service area for Tomball’s water system is defined by the City limits and a portion of the City’s Extra-Territorial Jurisdiction (ETJ). The City’s existing water service area encompasses an area of approximately 19 square miles, shown on **Figure 2-1**. The impact fee service area for Tomball’s wastewater system is similar to the water system impact fee service area, with the exception of the Boudreaux Estates subdivision, shown on **Figure 2-2**.

2.2 PROJECTED POPULATION

Population growth projections were established based on information prepared by FNI for the City’s *2018 Water Master Plan Update* and *2017 Wastewater Master Plan Update*, as well as information on recent and upcoming developments from the City’s Community Development department. The Tomball Economic Development Corporation indicated a current population of 11,962, which represents the wastewater service area. The Boudreaux Estates estimated population of 538 people was added to represent the current water service area population. The City’s projected future developments are shown on **Figure 2-3**, for the purposes of this impact fee study. Detailed population and commercial acreage projections for the developments are presented in **Appendix B** of this report. **Table 2-1** shows the projected population for the water and wastewater impact fee service areas.

Table 2-1: Water and Wastewater Impact Fee Service Area Population

Year	Water Service Area Population	Wastewater Service Area Population
2019	12,500	11,962
2024	17,985	17,447
2029	19,314	18,776

FIGURE 2-1 CITY OF TOMBALL WATER AND WASTEWATER IMPACT FEE WATER IMPACT FEE SERVICE AREA

LEGEND

-  Water Well
-  Elevated Storage Tank
-  Ground Storage Tank
-  Road
-  Water Service Area
-  Water CCN
-  Tomball City Limit
-  ETJ

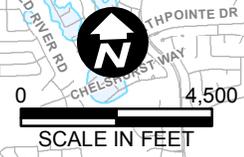
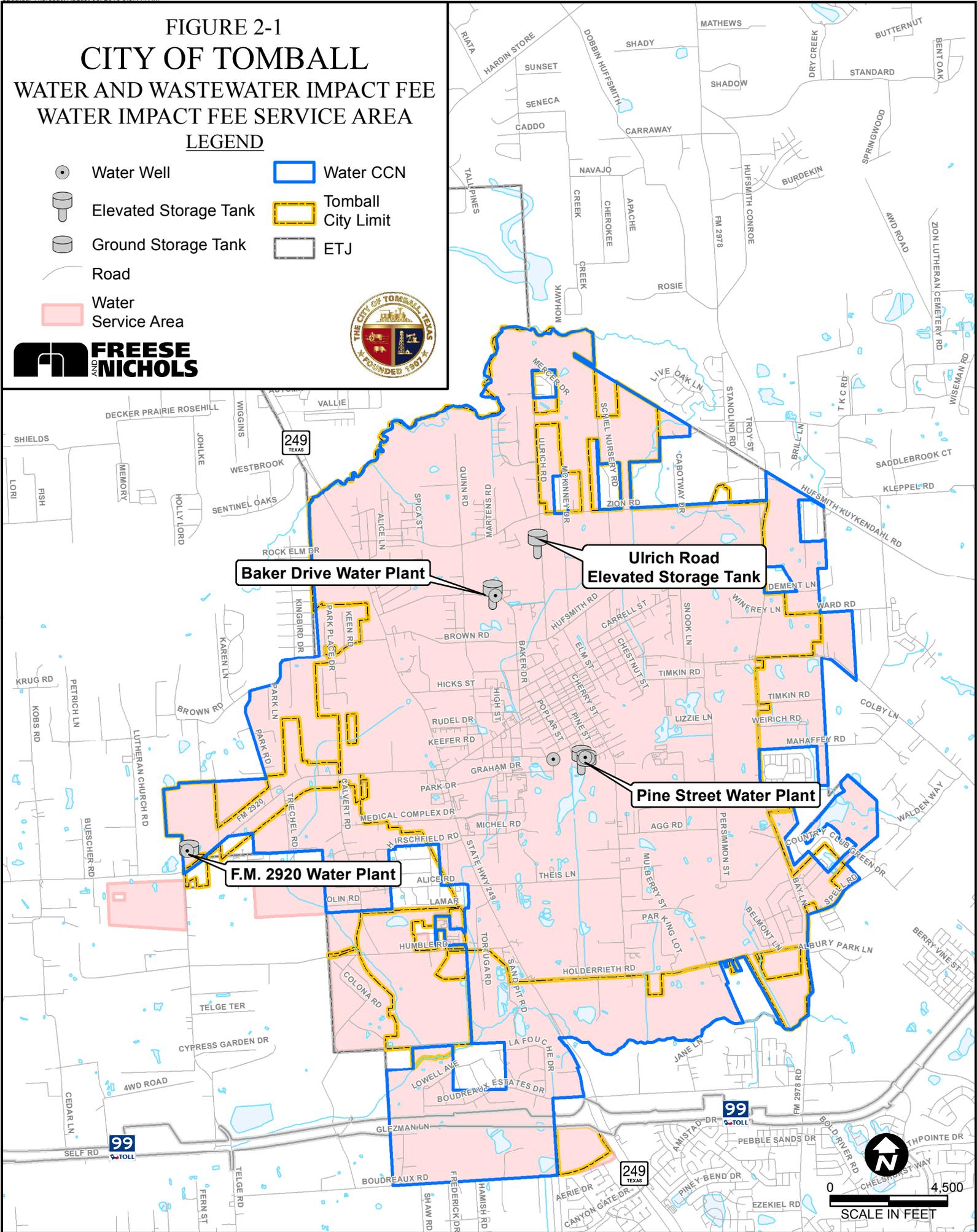
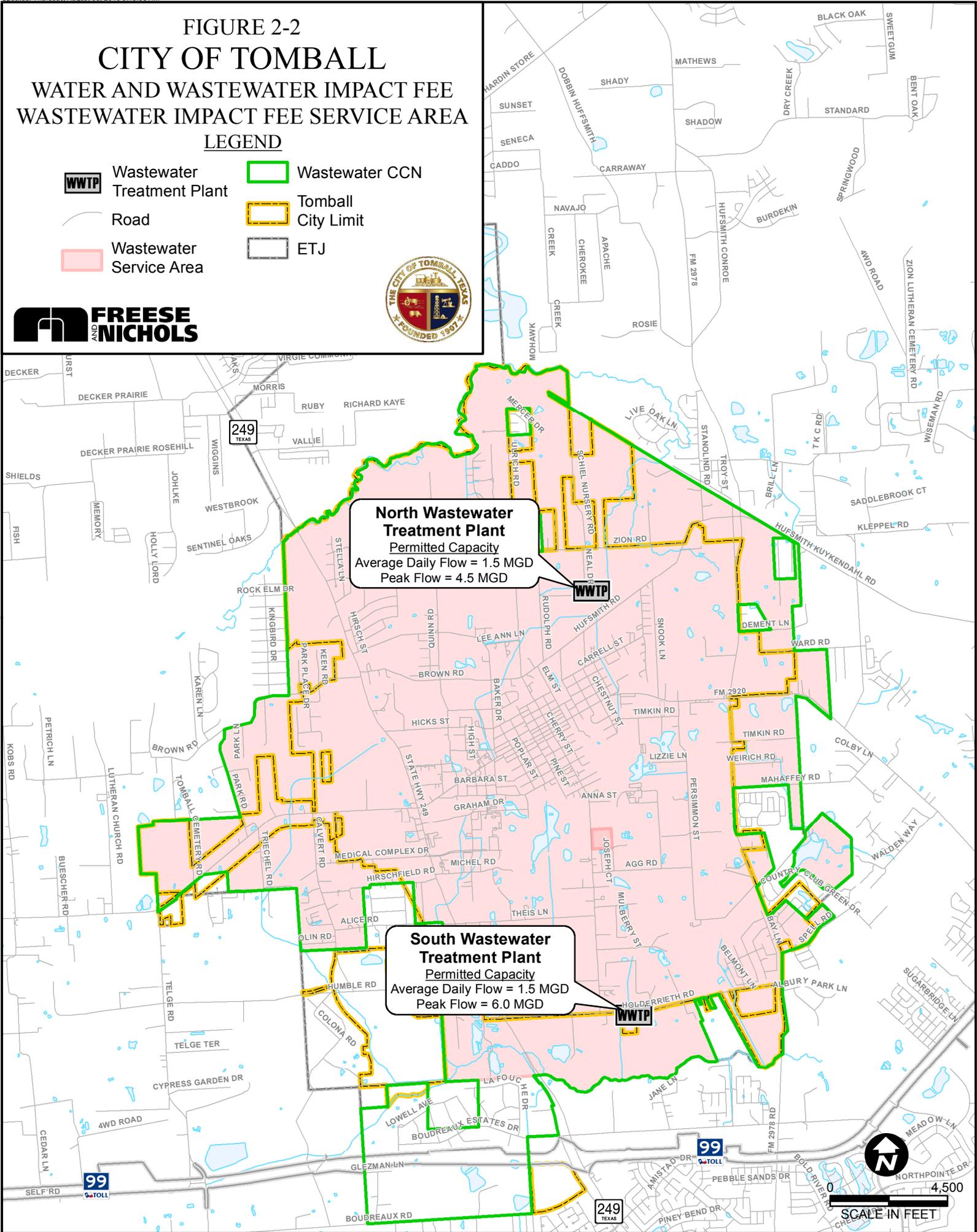


FIGURE 2-2 CITY OF TOMBALL WATER AND WASTEWATER IMPACT FEE WASTEWATER IMPACT FEE SERVICE AREA

LEGEND

- Wastewater Treatment Plant
- Wastewater CCN
- Road
- Tomball City Limit
- Wastewater Service Area
- ETJ



North Wastewater Treatment Plant
 Permitted Capacity
 Average Daily Flow = 1.5 MGD
 Peak Flow = 4.5 MGD

South Wastewater Treatment Plant
 Permitted Capacity
 Average Daily Flow = 1.5 MGD
 Peak Flow = 6.0 MGD



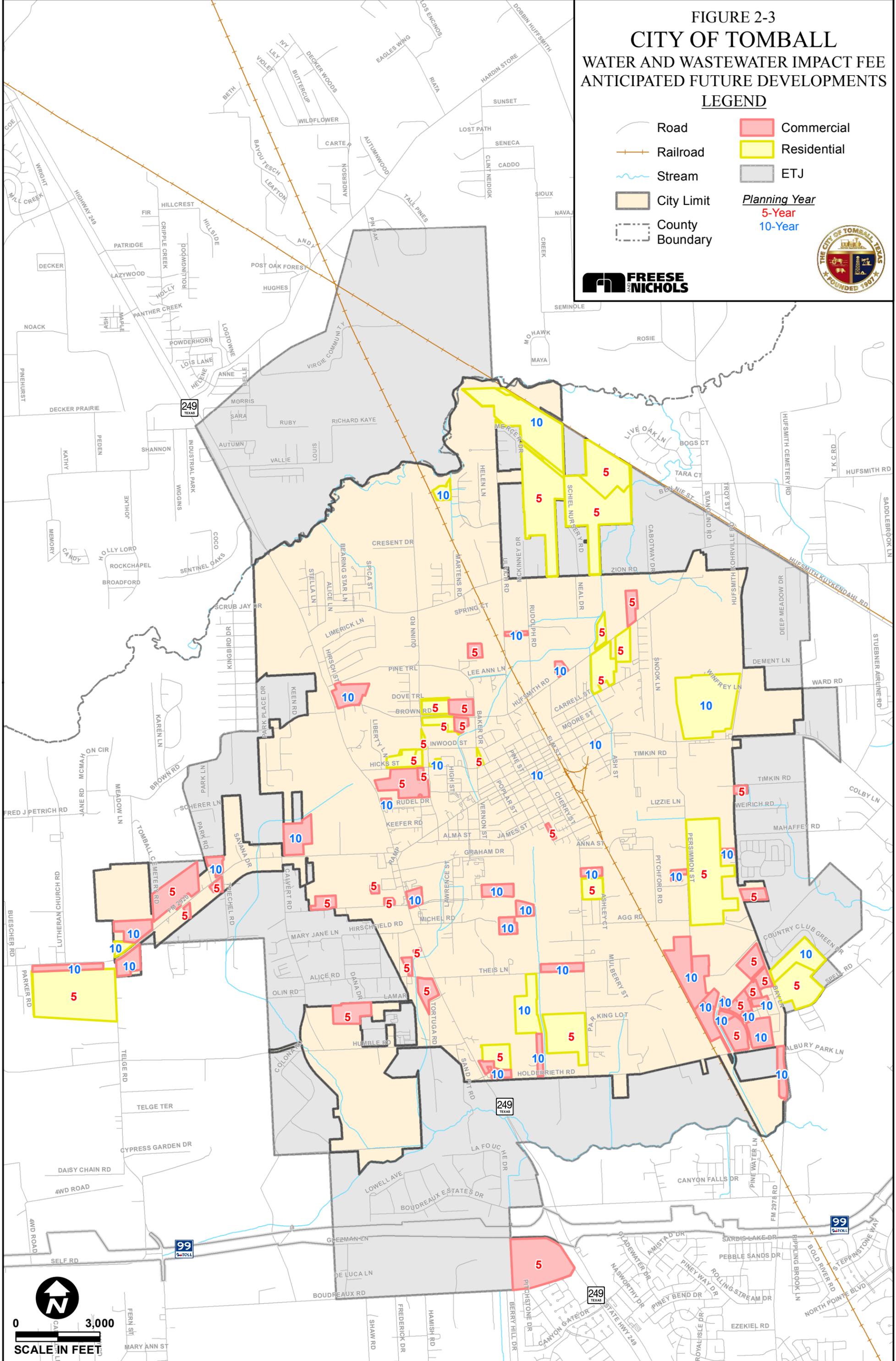
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FIGURE 2-3
CITY OF TOMBALL
WATER AND WASTEWATER IMPACT FEE
ANTICIPATED FUTURE DEVELOPMENTS

LEGEND

	Road		Commercial
	Railroad		Residential
	Stream		ETJ
	City Limit	<i>Planning Year</i>	
	County Boundary		5-Year
			10-Year





3.0 CAPITAL IMPROVEMENTS PLAN

Water and wastewater CIPs were developed for the City of Tomball as part of the City’s *2018 Water Master Plan Update* and *2017 Wastewater Master Plan Update*. The recommended improvements will provide the required capacity and reliability to meet projected water demands and wastewater flows through buildout. The water and wastewater projects required to meet growth in the 10-year period were used in the impact fee analysis.

3.1 WATER AND WASTEWATER LOAD PROJECTIONS

The population and land use data were used to develop future water demands and wastewater flows based on a projected average day per capita use and peaking factors. The design criteria used to project water demands and wastewater flows were developed as part of the *2018 Water Master Plan Update* and *2017 Wastewater Master Plan Update*. **Table 3-1** presents the projected water demands and **Table 3-2** presents the projected wastewater flows for the City of Tomball in million gallons per day (MGD).

Table 3-1: Projected Water Demands

Year	Average Day Demand (MGD)	Maximum Day Demand (MGD)	Peak Hourly Demand (MGD)
2019	2.13	4.78	8.13
2024	3.51	7.90	13.43
2029	4.01	9.02	15.33

Table 3-2: Projected Wastewater Flows

Basin	Year	Total Average Daily Flow (MGD)
North WWTP	2019	0.71
	2024	0.94
	2029	0.97
South WWTP	2019	0.90
	2024	1.40
	2029	1.75

3.2 WATER AND WASTEWATER SYSTEM IMPROVEMENTS

Proposed water and wastewater system projects were developed as part of the CIPs presented in the *2018 Water Master Plan Update* and *2017 Wastewater Master Plan Update*. Project No. 8 from the *2017 Wastewater Master Plan Update* was upsized to accommodate the Telge/Trendmaker development, since

that development was not included in the planning assumptions for that study. Based on the updated future developments projections, Project No. 16 from the *2017 Wastewater Master Plan Update* was moved into within 10-year planning period to accommodate the anticipated growth in South WWTP basin.

A summary of the costs for each of the projects required for the 10-year growth period used in the impact fee analysis for both the water and wastewater systems are shown in **Table 3-3** and **Table 3-4**, respectively. Detailed project costs for the water and wastewater system are included in **Appendix C** and **D**, respectively. Costs listed for the existing projects are based on actual design and construction costs provided by the City. The proposed 10-year water system projects are shown on **Figure 3-1**. The proposed 10-year wastewater system projects are shown on **Figure 3-2**.

Table 3-3: Proposed Water System Impact Fee Eligible Capital Projects

Impact Fee Eligible CIP No.	Description of Project	Capital Cost (2019 Dollars)
EXISTING		
A	Medical Complex Segment 3	\$507,350
B	Hufsmith Water & Sewer Extension	\$533,274
C	Water Impact Fee Update	\$29,550
Existing Projects Sub-total		\$1,070,174
PROPOSED		
1	12-inch Water Line along Hufsmith Road	\$2,138,400
2	New 3,000 gpm East Water Plant with 1.0 MG GST	\$15,332,400
3	12/16-inch Water Line along Main Street	\$2,306,300
4	12-inch Water Line along Medical Complex Drive	\$153,200
5	16-inch Water Line along SH 249	\$1,615,900
6	1.25 MG EST and 16-inch Water Line	\$7,058,300
7	2,000 gpm FM 2920 Pump Station Expansion with 1.5 MG GSTs	\$4,578,400
8	1,500 gpm East Water Plant Expansion with 1.0 MG GST	\$5,774,900
9	12-inch Water Line along Oak Street	\$116,100
10	8-inch Water Line along Persimmon Road	\$209,600
11	Telge Easement Acquisition	\$697,225
12	Medical Complex Segment 4B	\$870,422
Proposed Projects Sub-total		\$40,851,147
Total		\$41,921,320

Table 3-4: Proposed Wastewater System Impact Fee Eligible Capital Projects

Impact Fee Eligible CIP No.	Description of Project	Capital Cost (2019 Dollars)
EXISTING		
A	Medical Complex Segment 3	\$417,820
B	Hufsmith Water & Sewer Extension	\$389,584
C	Rudolph Road Sewer Extension	\$311,825
D	Wastewater Impact Fee Update	\$29,550
Existing Projects Sub-total		\$1,148,779
PROPOSED		
1	Replacement 10/12-inch Gravity Lines along Alma/James Streets	\$1,830,400
2	Replacement 21/24-inch North Willow Street Gravity Line	\$928,900
3	Replacement 15/18-inch Gravity Main along Tomball Pkwy (Hwy 249 B)	\$2,929,900
4	FM 2920 Lift Station Expansion, Replacement Force Main and Gravity Line Expansions	\$4,826,100
5	Hicks Lift Station Expansion and Replacement Force Main	\$1,654,100
6	1.5 MGD Expansion of South WWTP	\$19,860,200
7	Telge Easement Acquisition	\$697,225
8	Medical Complex Segment 4B	\$1,652,124
Proposed Projects Sub-total		\$34,378,949
Total		\$35,527,728

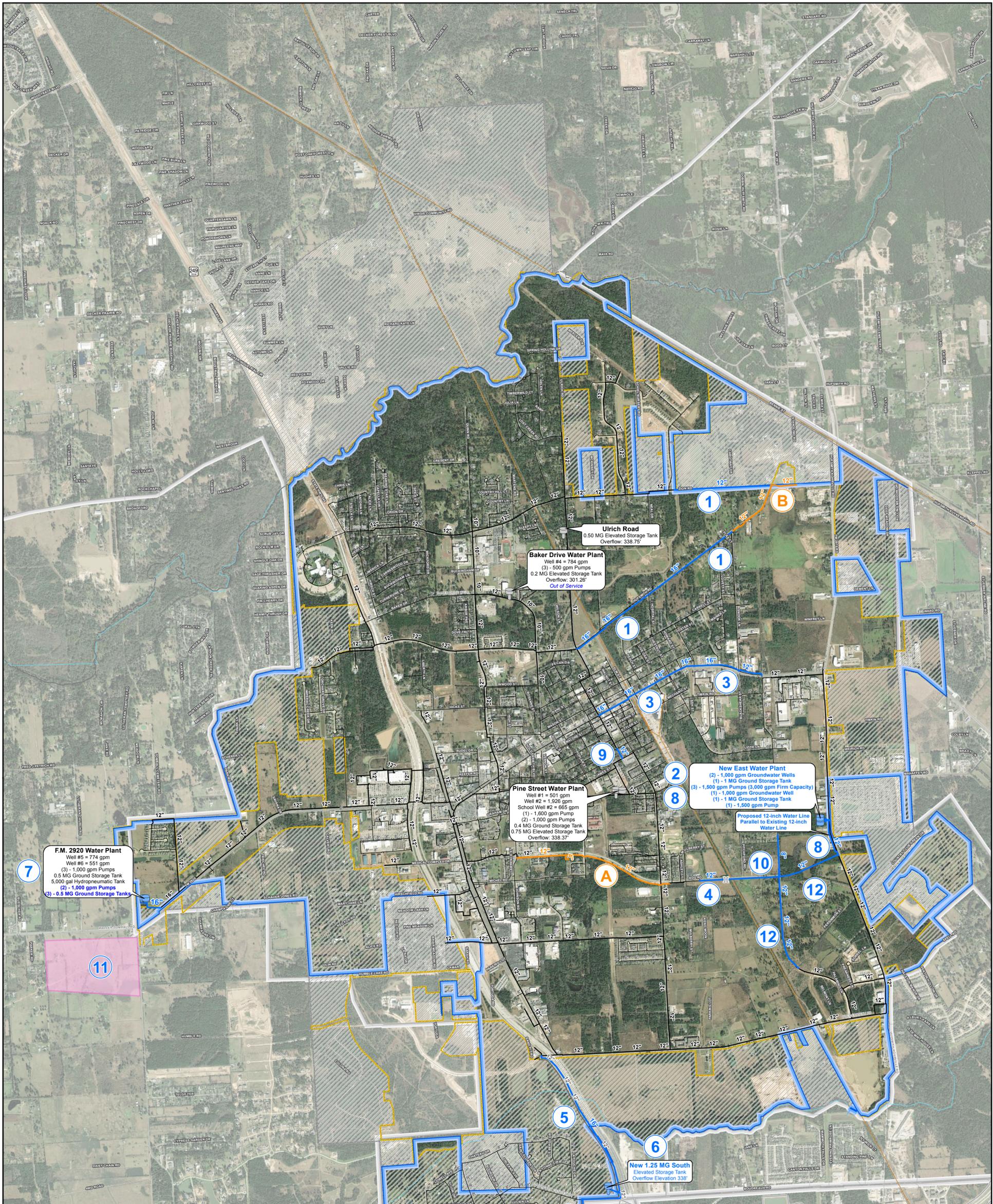
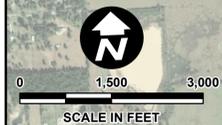


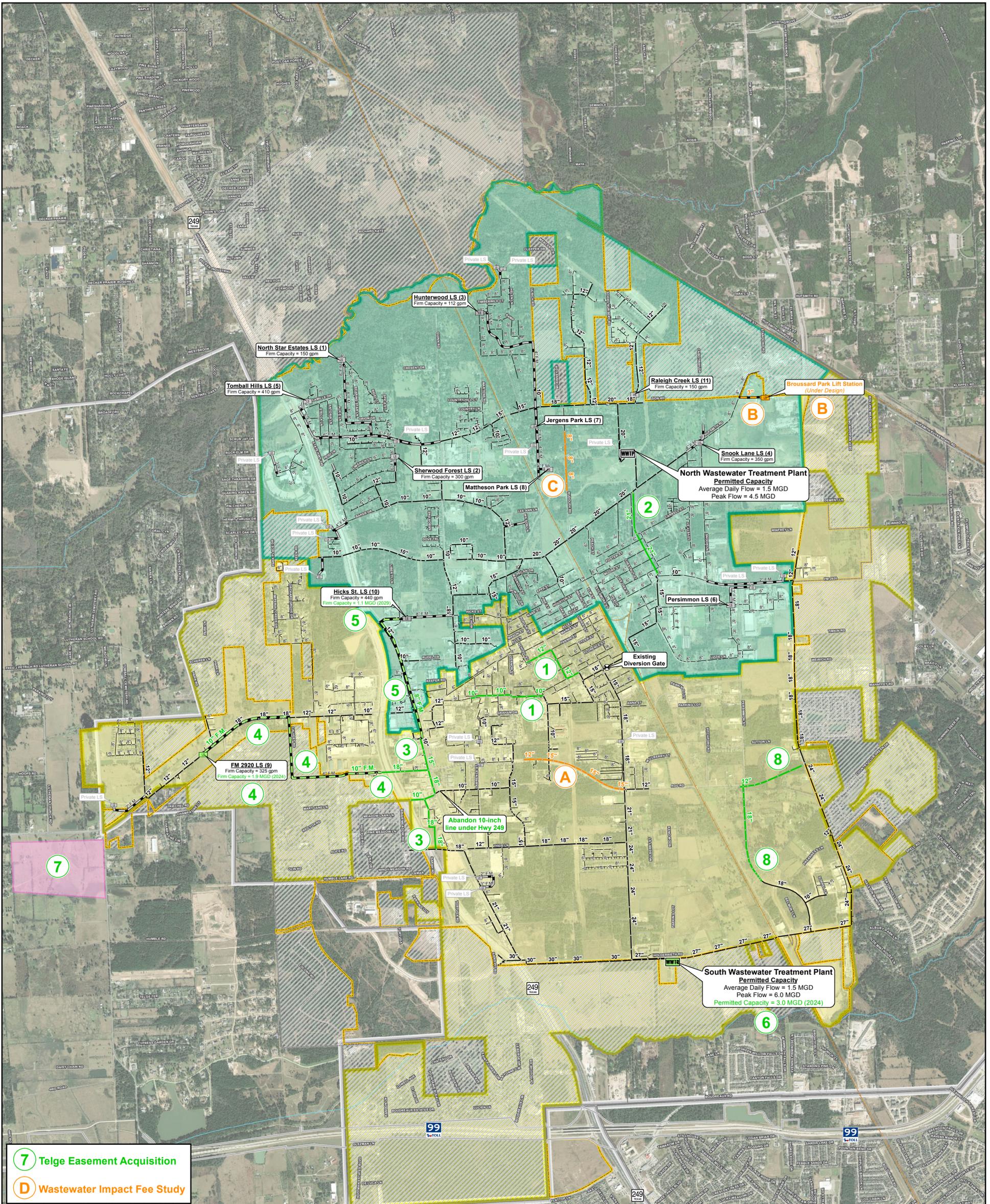
FIGURE 3-1
CITY OF TOMBALL
 WATER AND WASTEWATER IMPACT FEE
 WATER IF CAPITAL IMPROVEMENTS
 LEGEND

- | | |
|-------------------------------------|--------------------|
| Proposed Impact Fee Eligible | Road |
| Ground Storage Tank | Stream |
| Elevated Storage Tank | Railroad |
| Water Line | Tomball City Limit |
| Line to be Replaced | Tomball ETJ |
| Existing Impact Fee Eligible | Houston ETJ |
| Water Line | County Boundary |
| Existing Water System | Water CCN |
| Ground Storage Tank | Telge Development |
| Elevated Storage Tank | |
| 8" and Smaller Water Line | |
| 10" and Larger Water Line | |

C Water Impact Fee Study
11 Telge Easement Acquisition

The utility alignments and facility sites shown on this figure are for illustrative purposes only and do not set the alignments or locations. The locations of utility alignments and facility sites will be determined in final design.





- 7 Telge Easement Acquisition
- D Wastewater Impact Fee Study

FIGURE 3-2
CITY OF TOMBALL
WATER AND WASTEWATER IMPACT FEE
WASTEWATER IF CAPITAL IMPROVEMENTS

LEGEND

- | | | |
|--|--------------------------------|--------------------|
| Proposed Impact Fee Eligible | Lift Station | Stream |
| Wastewater Treatment Plant | Private Lift Station | Tomball City Limit |
| Wastewater Line | Wastewater Treatment Plant | Tomball ETJ |
| Force Main | 8" and Smaller Wastewater Line | Houston ETJ |
| Existing/Under Design Impact Fee Eligible | 10" and Larger Wastewater Line | County Boundary |
| Lift Station | Force Main | Telge Development |
| Wastewater Line | Road | |
| Force Main | Grand Parkway Right-Of-Way | |
| Existing Wastewater System | Railroad | |
| Manhole | | |
| Diversion Gate | | |

WASTEWATER BASIN

- North Basin
- South Basin

The utility alignments and facility sites shown on this figure are for illustrative purposes only and do not set the alignments or locations. The locations of utility alignments and facility sites will be determined in final design.



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4.0 WATER AND WASTEWATER IMPACT FEE ANALYSIS

The water and wastewater impact fee analysis involves determining the utilization of existing and proposed projects as defined by the capital improvement plan to serve new development over the next 10-year period. For existing or proposed projects, the impact fee is calculated as a percentage of the project cost, based upon the percentage of the project's capacity required to serve development projected to occur between 2019 and 2029. Capacity serving existing development and development projected to occur beyond the 10-year period is not impact fee eligible.

4.1 SERVICE UNITS

The maximum impact fee may not exceed the amount determined by dividing the cost of capital improvements required by the total number of service units attributed to new development during the impact fee eligibility period. A water service unit is defined as the service equivalent to a water connection for a single-family residence. The City of Tomball does not directly meter wastewater flows and bills for wastewater services based on the customer's water consumption. Therefore, a wastewater service unit is defined as the wastewater service provided to a customer with a water connection for a single-family residence.

The service associated with public, commercial, and industrial connections is converted into service units based upon the capacity of the meter used to provide service. The number of service units required to represent each meter size is based on the safe maximum operating capacity of the appropriate meter type. The City primarily uses displacement meters for sizes 2-inch and smaller. Compound meters are typically used for sizes greater than 2-inches. American Water Works Association (AWWA) standards C700 (Cold Water Meters – Displacement Type) and C702 (Cold Water Meters – Compound Type) were used to determine the safe maximum operating capacity. The service unit equivalent for each meter size used by the City is listed in **Table 4-1**.

Table 4-1: Service Unit Equivalencies

Meter Size	Meter Type	AWWA Standard	Safe Maximum Operating Capacity (gpm)	Service Unit Equivalent
3/4"	Displacement	C700	30	1.00
1"	Displacement	C700	50	1.67
1-1/2"	Displacement	C700	100	3.33
2"	Displacement	C700	160	5.33
3"	Compound	C702	350	11.67
4"	Compound	C702	600	20.00
6"	Compound	C702	1,350	45.00
8"	Compound	C702	1,600	53.33

Typically, in Tomball, single-family residences are served with 3/4-inch water meters. Larger meters represent public, commercial, and industrial water use. The City provided data that included the meter size of each active water meter as of December 2018. The projected service units for 2029 were developed based on future development water meter data provided by the City and expected growth in population and commercial acreage between 2019 and 2029. **Table 4-2** shows the water service units for 2019 and the projected service units for 2029 in the water service area. The Grand Parkway Town Center (GPTC) is anticipated to require 398 water equivalent single family connections or SUEs. **Table 4-3** shows the wastewater service units for 2019 and the projected service units for 2029 in the wastewater service area. The City is anticipated to provide water service but not wastewater services to the Grand Parkway Town Center and the HCID 17 area future developments.

Table 4-2: Water Service Units

Meter Size	2019 Meters	2019 Service Units	2029 Meters	2029 Service Units	Growth in Service Units
3/4"	3,124	3,124	5,383	5,383	2,259
1"	208	347	348	580	233
1-1/2"	103	344	103	344	0
2"	389	2,075	403	2,150	75
3"	43	502	44	514	12
4"	30	600	43	860	260
6"	6	270	6	270	0
GPTC	-	-	-	398	398
Total	3,903	7,262	6,330	10,499	3,237

Table 4-3: Wastewater Service Units

Meter Size	2019 Meters	2019 Service Units	2029 Meters	2029 Service Units	Growth in Service Units
3/4"	2,917	2,917	5,176	5,176	2,259
1"	208	347	344	574	227
1-1/2"	103	344	103	344	0
2"	389	2,075	403	2,150	75
3"	43	502	44	514	12
4"	30	600	43	860	260
6"	6	270	6	270	0
Total	3,696	7,055	6,119	9,888	2,833

4.2 WATER AND WASTEWATER CAPACITY ANALYSIS

Existing and proposed water and wastewater projects were evaluated to determine the proportion of the project that will be utilized within the next 10 years. The 10-year utilization will define the percentage of the project cost that is impact fee eligible. A summary of the project costs required for the 10-year growth period used in the impact fee analysis for both the water and wastewater systems are shown in **Table 4-4** and **Table 4-5**, respectively. The 2019 percent utilization is the portion of a project’s capacity required to serve existing development and is therefore not included in the impact fee eligible cost. The 2029 percent utilization is the portion of the project’s capacity that will be utilized by 2029. The 2019 - 2029 percent utilization is the portion of the project’s capacity required to serve growth from 2019 to 2029. The portion of a project’s total cost that is used to serve growth projected to occur from 2019 through 2029 is calculated as the total project cost multiplied by the 2019 - 2029 percent utilization. Only this portion of the cost is used in the impact fee analysis.

Table 4-4: Cost Allocation for Water Impact Fee Calculation

No.	Description of Project	Percent Utilization			Costs Based on 2019 Dollars			
		2019 ⁽¹⁾	2029	2019-2029	Capital Cost	Current Development	10-Year (2019-2029)	
Existing	A	Medical Complex Segment 3	0%	20%	20%	\$507,350	\$0	\$101,470
	B	Hufsmith Water & Sewer Extension	0%	10%	10%	\$533,274	\$0	\$53,327
	C	Water Impact Fee Update	0%	100%	100%	\$29,550	\$0	\$29,550
	Existing Projects Sub-total					\$1,070,174	\$0	\$184,347
Proposed	1	12-inch Water Line along Hufsmith Road	10%	20%	10%	\$2,138,400	\$213,840	\$213,840
	2	New 3,000 gpm East Water Plant with 1.0 MG GST	0%	80%	80%	\$15,332,400	\$0	\$12,265,920
	3	12/16-inch Water Line along Main Street	10%	20%	10%	\$2,306,300	\$230,630	\$230,630
	4	12-inch Water Line along Medical Complex Drive	0%	40%	40%	\$153,200	\$0	\$61,280
	5	16-inch Water Line along SH 249	0%	30%	30%	\$1,615,900	\$0	\$484,770
	6	1.25 MG EST and 16-inch Water Line	0%	30%	30%	\$7,058,300	\$0	\$2,117,490
	7	2,000 gpm FM 2920 Pump Station Expansion with 1.5 MG GSTs	0%	40%	40%	\$4,578,400	\$0	\$1,831,360
	8	1,500 gpm East Water Plant Expansion with 1.0 MG GST	0%	10%	10%	\$5,774,900	\$0	\$577,490
	9	12-inch Water Line along Oak Street	30%	50%	20%	\$116,100	\$34,830	\$23,220
	10	8-inch Water Line along Persimmon Road	0%	20%	20%	\$209,600	\$0	\$41,920
	11	Telge Easement Acquisition	0%	30%	30%	\$697,225	\$0	\$209,168
	12	Medical Complex Segment 4B	0%	20%	20%	\$870,422	\$0	\$174,084
Proposed Projects Sub-total					\$40,851,147	\$479,300	\$18,231,172	
Total					\$41,921,320	\$479,300	\$18,415,519	

(1) Utilization in 2019 on proposed projects indicates a portion of the project that will be used to address deficiencies within the existing system, and therefore are not eligible for capital recovery fee cost recovery for future growth.

Table 4-5: Cost Allocation for Wastewater Impact Fee Calculation

No.	Description of Project	Percent Utilization			Costs Based on 2019 Dollars			
		2019 ⁽¹⁾	2029	2019-2029	Capital Cost	Current Development	10-Year (2019-2029)	
Existing	A	Medical Complex Segment 3	0%	10%	10%	\$417,820	\$0	\$41,782
	B	Hufsmith Water & Sewer Extension	0%	100%	100%	\$389,584	\$0	\$389,584
	C	Rudolph Road Sewer Extension	0%	50%	50%	\$311,825	\$0	\$155,913
	D	Wastewater Impact Fee Update	0%	100%	100%	\$29,550	\$0	\$29,550
Existing Projects Sub-total						\$1,148,779	\$0	\$616,828
Proposed	1	Replacement 10/12-inch Gravity Lines along Alma/James Streets	60%	65%	5%	\$1,830,400	\$1,098,240	\$91,520
	2	Replacement 21/24-inch North Willow Street Gravity Line	85%	90%	5%	\$928,900	\$789,565	\$46,445
	3	Replacement 15/18-inch Gravity Main along Tomball Pkwy (Hwy 249 B)	35%	85%	50%	\$2,929,900	\$1,025,465	\$1,464,950
	4	FM 2920 Lift Station Expansion, Replacement Force Main and Gravity Line Expansions	30%	85%	55%	\$4,826,100	\$1,447,830	\$2,654,355
	5	Hicks Lift Station Expansion and Replacement Force Main	80%	100%	20%	\$1,654,100	\$1,323,280	\$330,820
	6	1.5 MGD Expansion of South WWTP	0%	25%	25%	\$19,860,200	\$0	\$4,965,050
	7	Telge Easement Acquisition	0%	30%	30%	\$697,225	\$0	\$209,168
	8	Medical Complex Segment 4B	0%	30%	30%	\$1,652,124	\$0	\$495,637
Proposed Project Sub-total						\$34,378,949	\$5,684,380	\$10,257,945
Total						\$35,527,728	\$5,684,380	\$10,874,773

(1) Utilization in 2019 on proposed projects indicates a portion of the project that will be used to address deficiencies within the existing system, and therefore are not eligible for impact fee cost recovery for future growth.

4.3 MAXIMUM IMPACT FEE CALCULATION

Chapter 395 of the Texas Local Government Code states that the maximum impact fee may not exceed the amount determined by dividing the cost of capital improvements required by the total number of service units attributed to new development during the impact fee eligibility period (2019 – 2029).

Chapter 395 also requires that the City either discount 50% from the computed maximum fee or establish a reimbursement method for ad valorem tax and utility service revenues generated and take a credit for any debt payment included in the CIP. The City of Tomball elected to use the 50% credit option for this study. The maximum allowable water and wastewater impact fees are calculated below.

4.3.1 Maximum Allowable Water Impact Fee

The total projected costs include the projected capital improvement costs to serve 10-year development, the projected finance cost for the capital improvements, and the consultant cost for preparing and updating the water CIP. **Table 4-6** summarizes the total maximum allowable water impact fee calculation.

Table 4-6: Water Impact Fee Calculation

Water Impact Fee	
Total Eligible Capital Improvement Costs	\$18,415,519
Total Eligible Financing Cost ⁽¹⁾	\$6,064,260
Total Eligible Impact Fee Costs	\$24,479,780
Growth in Service Units	3,237
Pre-Credit Maximum Allowable Impact Fee per Service Unit ⁽²⁾	\$7,562
Impact Fee Rate Credit per Service Unit ⁽³⁾	(\$3,781)
Maximum Allowable Impact Fee⁽⁴⁾	\$3,781

- (1) 10-year finance costs calculated utilizing 4.0% interest rate
- (2) Total eligible costs divided by the growth in service units.
- (3) Credit is 50% of maximum water impact fee per service unit.
- (4) Maximum allowable water impact fee is maximum water impact fee minus the impact fee credit per service unit.

4.3.2 Maximum Allowable Wastewater Impact Fee

The total projected costs include the projected capital improvement costs to serve 10-year development, the projected finance cost for the capital improvements, and the consultant cost for preparing and updating the wastewater CIP. **Table 4-7** summarizes the total maximum allowable wastewater impact fee calculation.

Table 4-7: Wastewater Impact Fee Calculation

Wastewater Impact Fee	
Total Eligible Capital Improvement Costs	\$10,874,773
Total Eligible Financing Cost ⁽¹⁾	\$3,412,115
Total Eligible Impact Fee Costs	\$14,286,887
Growth in Service Units	2,833
Pre-Credit Maximum Allowable Impact Fee per Service Unit ⁽²⁾	\$5,043
Impact Fee Rate Credit per Service Unit ⁽³⁾	(\$2,521)
Maximum Allowable Impact Fee⁽⁴⁾	\$2,521

- (1) 10-year finance costs calculated utilizing 4.0% interest rate
- (2) Total eligible costs divided by the growth in service units.
- (3) Credit is 50% of maximum water impact fee per service unit.
- (4) Maximum allowable water impact fee is maximum water impact fee minus the impact fee credit per service unit.

4.4 WATER AND WASTEWATER IMPACT FEES

A comparison graph showing calculated maximum allowable water and wastewater impact fees in benchmark cities is presented on **Figure 4-1**. **Table 4-8** presents the calculated maximum allowable water and wastewater impact fees from this study per meter size. **Table 4-9** shows the proposed water impact fees with a stepped increase from 2019 through 2024. **Table 4-10** shows the proposed wastewater impact fees. **Figure 4-2** compares the proposed 2019-2020 water and wastewater impact fees with the existing impact fees from benchmark cities.

Figure 4-1: Comparison of Maximum Allowable Impact Fee per Service Unit

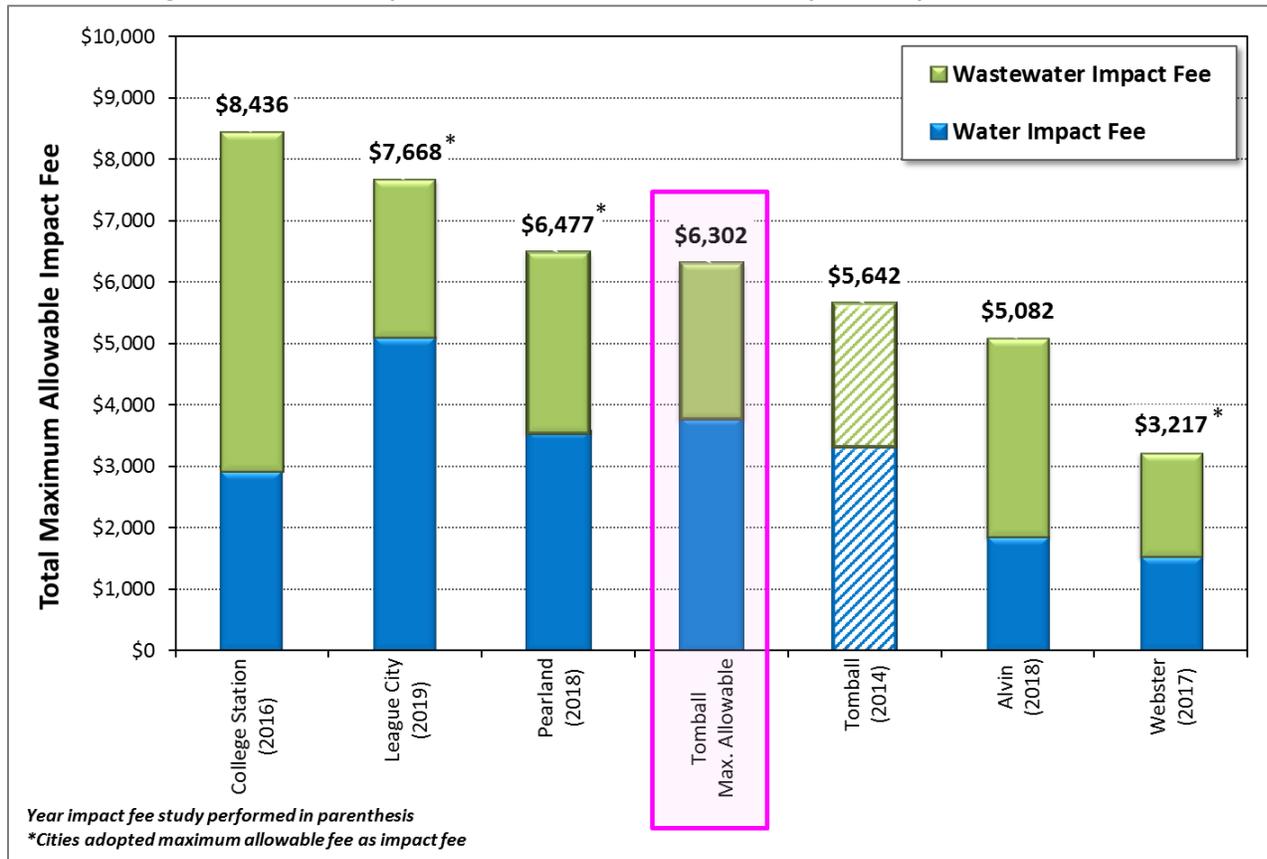


Table 4-8: Schedule of Maximum Allowable Water and Wastewater Impact Fees

Meter Size	Service Unit Equivalent	Impact Fee	
		Water	Wastewater
3/4"	1.00	\$3,781.00	\$2,521.00
1"	1.67	\$6,314.27	\$4,210.07
1-1/2"	3.33	\$12,590.73	\$8,394.93
2"	5.33	\$20,152.73	\$13,436.93
3"	11.67	\$44,124.27	\$29,420.07
4"	20.00	\$75,620.00	\$50,420.00
6"	45.00	\$170,145.00	\$113,445.00
8"	53.33	\$201,640.73	\$134,444.93

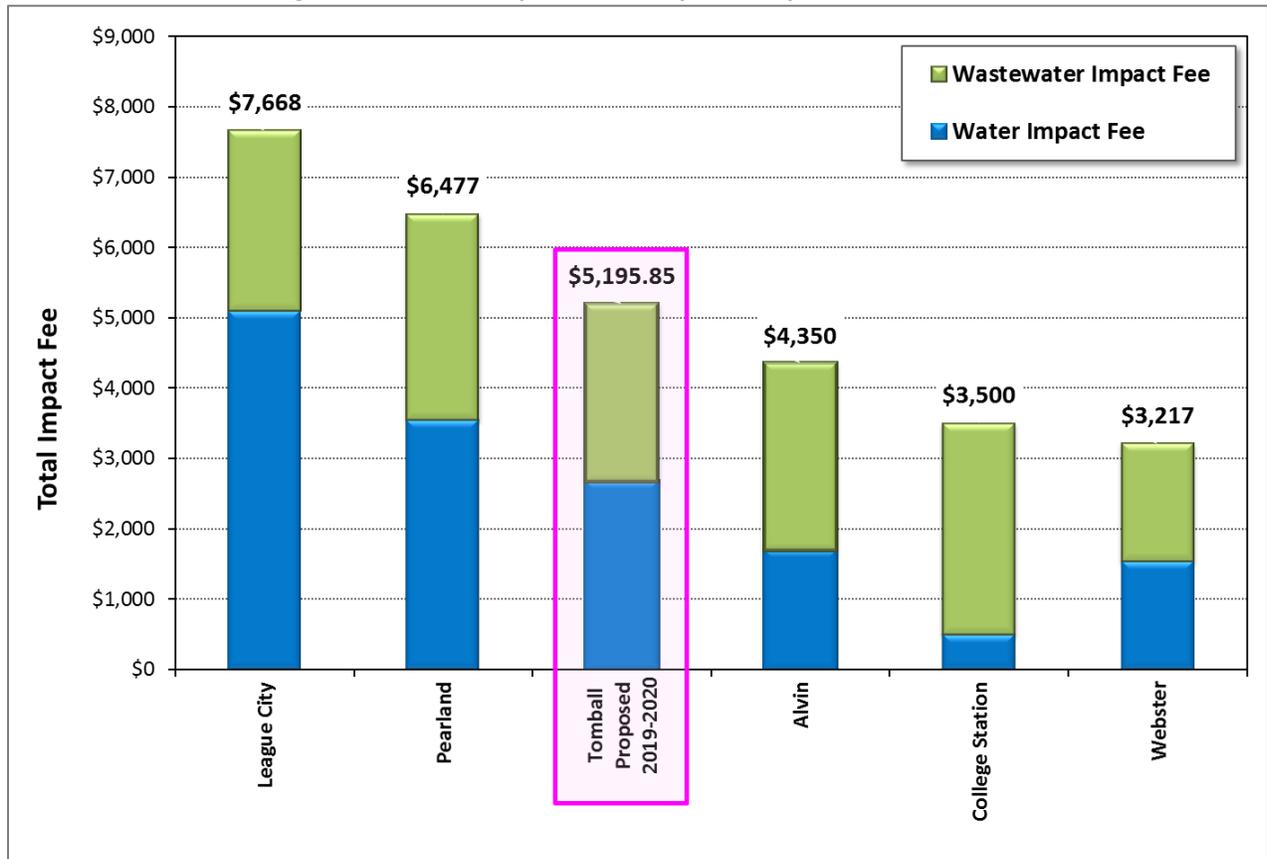
Table 4-9: Proposed Water Impact Fees

Meter Size	Water Impact Fee					
	Current	Proposed 2019-2020	Proposed 2020-2021	Proposed 2021-2022	Proposed 2022-2023	Proposed 2023-2024
3/4"	\$2,325.96	\$2,674.85	\$3,023.75	\$3,372.64	\$3,721.54	\$3,781.00
1"	\$5,814.90	\$4,467.00	\$5,049.66	\$5,632.31	\$6,214.97	\$6,314.27
1-1/2"	\$11,629.80	\$8,907.25	\$10,069.09	\$11,230.89	\$12,392.73	\$12,590.73
2"	\$18,607.68	\$14,256.95	\$16,116.59	\$17,976.17	\$19,835.81	\$20,152.73
3"	\$37,215.36	\$31,215.50	\$35,287.16	\$39,358.71	\$43,430.37	\$44,124.27
4"	\$58,149.00	\$53,497.00	\$60,475.00	\$67,452.80	\$74,430.80	\$75,620.00
6"	\$116,298.00	\$120,368.25	\$136,068.75	\$151,768.80	\$167,469.30	\$170,145.00
8"	\$186,076.80	\$142,649.75	\$161,256.59	\$179,862.89	\$198,469.73	\$201,640.73

Table 4-10: Proposed Wastewater Impact Fees

Meter Size	Wastewater Impact Fee	
	Current	Proposed 2019-2024
3/4"	\$2,322.57	\$2,521.00
1"	\$5,806.43	\$4,210.07
1-1/2"	\$11,612.85	\$8,394.93
2"	\$18,580.56	\$13,436.93
3"	\$37,161.12	\$29,420.07
4"	\$58,064.25	\$50,420.00
6"	\$116,128.50	\$113,445.00
8"	\$185,805.60	\$134,444.93

Figure 4-2: Comparison of Impact Fee per Service Unit



5.0 IMPACT FEE ADOPTION

5.1 PUBLIC HEARING

The amended Chapter 395 of the Texas Local Government Code requires one public hearing to be held to adopt a revised impact fee. The presentation shall include a discussion of the land use assumptions and capital improvements plan and the proposed ordinance, order, or resolution imposing an impact fee. The required public hearing date was set by Council and advertised more than 30 days in advance. The public hearing was held on October 7, 2019, at the City of Tomball City Hall. The public hearing presentation is included in **Appendix E**.

5.2 ORDINANCE

Once the public hearing is held, the political subdivision shall approve or disapprove the amendments of the land use assumptions and capital improvements plan and modification of the impact fee within 30 days after the date of the public hearing. At a City Council meeting on October 21, 2019, the City of Tomball City Council adopted the impact fee update that was presented at the public hearing. A copy of the City Ordinance No. 2019-24 adopting the amended impact fees is presented in **Appendix F**.

APPENDIX A

Texas Local Government Code Section 395

**CHAPTER 395. FINANCING CAPITAL IMPROVEMENTS REQUIRED BY NEW
DEVELOPMENT IN MUNICIPALITIES, COUNTIES, AND CERTAIN OTHER LOCAL
GOVERNMENTS**

SUBCHAPTER A. GENERAL PROVISIONS

§ 395.001. Definitions

In this chapter:

(1) "Capital improvement" means any of the following facilities that have a life expectancy of three or more years and are owned and operated by or on behalf of a political subdivision:

(A) water supply, treatment, and distribution facilities; wastewater collection and treatment facilities; and storm water, drainage, and flood control facilities; whether or not they are located within the service area; and

(B) roadway facilities.

(2) "Capital improvements plan" means a plan required by this chapter that identifies capital improvements or facility expansions for which impact fees may be assessed.

(3) "Facility expansion" means the expansion of the capacity of an existing facility that serves the same function as an otherwise necessary new capital improvement, in order that the existing facility may serve new development. The term does not include the repair, maintenance, modernization, or expansion of an existing facility to better serve existing development.

(4) "Impact fee" means a charge or assessment imposed by a political subdivision against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to the new development. The term includes amortized charges, lump-sum charges, capital recovery fees, contributions in aid of construction, and any other fee that functions as described by this definition. The term does not include:

(A) dedication of land for public parks or payment in lieu of the dedication to serve park needs;

(B) dedication of rights-of-way or easements or construction or dedication of on-site or off-site water distribution, wastewater collection or drainage facilities, or streets, sidewalks, or curbs if the dedication or construction is required by a valid ordinance and is necessitated by and attributable to the new development;

(C) lot or acreage fees to be placed in trust funds for the purpose of reimbursing developers for oversizing or constructing water or sewer mains or lines; or

(D) other pro rata fees for reimbursement of water or sewer mains or lines extended by the political subdivision.

However, an item included in the capital improvements plan may not be required to be constructed except in accordance with Section 395.019(2), and an owner may not be required to construct or dedicate facilities and to pay impact fees for those facilities.

(5) "Land use assumptions" includes a description of the service area and projections of changes in land uses, densities, intensities, and population in the service area over at least a 10-year period.

(6) "New development" means the subdivision of land; the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of the use of land; any of which increases the number of service units.

(7) "Political subdivision" means a municipality, a district or authority created under Article III, Section 52, or Article XVI, Section 59, of the Texas Constitution, or, for the purposes set forth by Section 395.079, certain counties described by that section.

(8) "Roadway facilities" means arterial or collector streets or roads that have been designated on an officially adopted roadway plan of the political subdivision, together with all necessary appurtenances. The term includes the political subdivision's share of costs for roadways and associated improvements designated on the federal or Texas highway system, including local matching funds and costs related to utility line relocation and the establishment of curbs, gutters, sidewalks, drainage appurtenances, and rights-of-way.

(9) "Service area" means the area within the corporate boundaries or extraterritorial jurisdiction, as determined under Chapter 42, of the political subdivision to be served by the capital improvements or facilities expansions specified in the capital improvements plan, except roadway facilities and storm water, drainage, and flood control facilities. The service area, for the purposes of this chapter, may include all or part of the land within the political subdivision or its extraterritorial jurisdiction, except for roadway facilities and storm water, drainage, and flood control facilities. For roadway facilities, the service area is limited to an area within the corporate boundaries of the political subdivision and shall not exceed six miles. For storm water, drainage, and flood control facilities, the service area may include all or part of the land within the political subdivision or its extraterritorial jurisdiction, but shall not exceed the area actually served by the storm water, drainage, and flood control facilities designated in the capital improvements plan and shall not extend across watershed boundaries.

(10) "Service unit" means a standardized measure of consumption, use, generation, or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards and based on historical data and trends applicable to the political subdivision in which the individual unit of development is located during the previous 10 years.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989. Amended by Acts 1989, 71st Leg., ch. 566, § 1(e), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, § 1, eff. Sept. 1, 2001.

SUBCHAPTER B. AUTHORIZATION OF IMPACT FEE

§ 395.011. Authorization of Fee

(a) Unless otherwise specifically authorized by state law or this chapter, a governmental entity or political subdivision may not enact or impose an impact fee.

(b) Political subdivisions may enact or impose impact fees on land within their corporate boundaries or extraterritorial jurisdictions only by complying with this chapter, except that impact fees may not be enacted or imposed in the extraterritorial jurisdiction for roadway facilities.

(c) A municipality may contract to provide capital improvements, except roadway facilities, to an area outside its corporate boundaries and extraterritorial jurisdiction and may charge an impact fee under the contract, but if an impact fee is charged in that area, the municipality must comply with this chapter.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.012. Items Payable by Fee

(a) An impact fee may be imposed only to pay the costs of constructing capital improvements or facility expansions, including and limited to the:

(1) construction contract price;

(2) surveying and engineering fees;

(3) land acquisition costs, including land purchases, court awards and costs, attorney's fees, and expert witness fees; and

(4) fees actually paid or contracted to be paid to an independent qualified engineer or financial consultant preparing or updating the capital improvements plan who is not an employee of the political subdivision.

(b) Projected interest charges and other finance costs may be included in determining the amount of impact fees only if the impact fees are used for the payment of principal and interest on bonds, notes, or other obligations issued by or on behalf of the political subdivision to finance the capital improvements or facility expansions identified in the capital improvements plan and are not used to reimburse bond funds expended for facilities that are not identified in the capital improvements plan.

(c) Notwithstanding any other provision of this chapter, the Edwards Underground Water District or a river authority that is authorized elsewhere by state law to charge fees that function as impact fees may use impact fees to pay a staff engineer who prepares or updates a capital improvements plan under this chapter.

(d) A municipality may pledge an impact fee as security for the payment of debt service on a bond, note, or other obligation issued to finance a capital improvement or public facility expansion if:

(1) the improvement or expansion is identified in a capital improvements plan; and

(2) at the time of the pledge, the governing body of the municipality certifies in a written order, ordinance, or resolution that none of the impact fee will be used or expended for an improvement or expansion not identified in the plan.

(e) A certification under Subsection (d)(2) is sufficient evidence that an impact fee pledged will not be used or expended for an improvement or expansion that is not identified in the capital improvements plan.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989. Amended by Acts 1995, 74th Leg., ch. 90, § 1, eff. May 16, 1995.

§ 395.013. Items Not Payable by Fee

Impact fees may not be adopted or used to pay for:

(1) construction, acquisition, or expansion of public facilities or assets other than capital improvements or facility expansions identified in the capital improvements plan;

(2) repair, operation, or maintenance of existing or new capital improvements or facility expansions;

(3) upgrading, updating, expanding, or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental, or regulatory standards;

(4) upgrading, updating, expanding, or replacing existing capital improvements to provide better service to existing development;

(5) administrative and operating costs of the political subdivision, except the Edwards Underground Water District or a river authority that is authorized elsewhere by state law to charge fees that function as impact fees may use impact fees to pay its administrative and operating costs;

(6) principal payments and interest or other finance charges on bonds or other indebtedness, except as allowed by Section 395.012.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.014. Capital Improvements Plan

(a) The political subdivision shall use qualified professionals to prepare the capital improvements plan and to calculate the impact fee. The capital improvements plan must contain specific enumeration of the following items:

(1) a description of the existing capital improvements within the service area and the costs to upgrade, update, improve, expand, or replace the improvements to meet existing needs and usage and stricter safety, efficiency, environmental, or regulatory standards, which shall be prepared by a qualified professional engineer licensed to perform the professional engineering services in this state;

(2) an analysis of the total capacity, the level of current usage, and commitments for usage of capacity of the existing capital improvements, which shall be prepared by a qualified professional engineer licensed to perform the professional engineering services in this state;

(3) a description of all or the parts of the capital improvements or facility expansions and their costs necessitated by and attributable to new development in the service area based on the approved land use assumptions, which shall be prepared by a qualified professional engineer licensed to perform the professional engineering services in this state;

(4) a definitive table establishing the specific level or quantity of use, consumption, generation, or discharge of a service unit for each category of capital improvements or facility expansions and an equivalency or conversion table establishing the ratio of a service unit to various types of land uses, including residential, commercial, and industrial;

(5) the total number of projected service units necessitated by and attributable to new development within the service area based on the approved land use assumptions and calculated in accordance with generally accepted engineering or planning criteria;

(6) the projected demand for capital improvements or facility expansions required by new service units projected over a reasonable period of time, not to exceed 10 years; and

(7) a plan for awarding:

(A) a credit for the portion of ad valorem tax and utility service revenues generated by new service units during the program period that is used for the payment of improvements, including the payment of debt, that are included in the capital improvements plan; or

(B) in the alternative, a credit equal to 50 percent of the total projected cost of implementing the capital improvements plan.

(b) The analysis required by Subsection (a)(3) may be prepared on a systemwide basis within the service area for each major category of capital improvement or facility expansion for the designated service area.

(c) The governing body of the political subdivision is responsible for supervising the implementation of the capital improvements plan in a timely manner.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, § 2, eff. Sept. 1, 2001.

§ 395.015. Maximum Fee Per Service Unit

(a) The impact fee per service unit may not exceed the amount determined by subtracting the amount in Section 395.014(a)(7) from the costs of the capital improvements described by Section 395.014(a)(3) and dividing that amount by the total number of projected service units described by Section 395.014(a)(5).

(b) If the number of new service units projected over a reasonable period of time is less than the total number of new service units shown by the approved land use assumptions at full development of the service area, the maximum impact fee per service unit shall be calculated by dividing the costs of the part of the capital improvements necessitated by and attributable to projected new service units described by Section 395.014(a)(6) by the projected new service units described in that section.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, § 3, eff. Sept. 1, 2001.

§ 395.016. Time for Assessment and Collection of Fee

(a) This subsection applies only to impact fees adopted and land platted before June 20, 1987. For land that has been platted in accordance with Subchapter A, Chapter 212, or the subdivision or platting procedures of a political subdivision before June 20, 1987, or land on which new development occurs or is proposed without platting, the political subdivision may assess the impact fees at any time during the development approval and building process. Except as provided by Section 395.019, the political subdivision may collect the fees at either the time of recordation of the subdivision plat or connection to the political subdivision's water or sewer system or at the time the political subdivision issues either the building permit or the certificate of occupancy.

(b) This subsection applies only to impact fees adopted before June 20, 1987, and land platted after that date. For new development which is platted in accordance with Subchapter A, Chapter 212, or the subdivision or platting procedures of a political subdivision after June 20, 1987, the political subdivision may assess the impact fees before or at the time of recordation. Except as provided by Section 395.019, the political subdivision may collect the fees at either the time of recordation of the subdivision plat or connection to the political subdivision's water or sewer system or at the time the political subdivision issues either the building permit or the certificate of occupancy.

(c) This subsection applies only to impact fees adopted after June 20, 1987. For new development which is platted in accordance with Subchapter A, Chapter 212, or the subdivision or platting procedures of a political subdivision before the adoption of an impact fee, an impact fee may not be collected on any service unit for which a valid building permit is issued within one year after the date of adoption of the impact fee.

(d) This subsection applies only to land platted in accordance with Subchapter A, Chapter 212, or the subdivision or platting procedures of a political subdivision after adoption of an impact fee adopted after June 20, 1987. The political subdivision shall assess the impact fees before or at the time of recordation of a subdivision plat or other plat under Subchapter A, Chapter 212, or the subdivision or platting ordinance or procedures of any political subdivision in the official records of the county clerk of the county in which the tract is located. Except as provided by Section 395.019, if the political subdivision has water and wastewater capacity available:

(1) the political subdivision shall collect the fees at the time the political subdivision issues a building permit;

(2) for land platted outside the corporate boundaries of a municipality, the municipality shall collect the fees at the time an application for an individual meter connection to the municipality's water or wastewater system is filed; or

(3) a political subdivision that lacks authority to issue building permits in the area where the impact fee applies shall collect the fees at the time an application is filed for an individual meter connection to the political subdivision's water or wastewater system.

(e) For land on which new development occurs or is proposed to occur without platting, the political subdivision may assess the impact fees at any time during the development and building process and may collect the fees at either the time of recordation of the subdivision plat or connection to the political subdivision's water or sewer system or at the time the political subdivision issues either the building permit or the certificate of occupancy.

(f) An "assessment" means a determination of the amount of the impact fee in effect on the date of occurrence provided in this section and is the maximum amount that can be charged per service unit of such development. No specific act by the political subdivision is required.

(g) Notwithstanding Subsections (a)-(e) and Section 395.017, the political subdivision may reduce or waive an impact fee for any service unit that would qualify as affordable housing under 42 U.S.C. Section 12745, as amended, once the service unit is constructed. If affordable housing as defined by 42 U.S.C. Section 12745, as amended, is not constructed, the political subdivision may reverse its decision to waive or reduce the impact fee, and the political subdivision may assess an impact fee at any time during the development approval or building process or after the building process if an impact fee was not already assessed.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989. Amended by Acts 1997, 75th Leg., ch. 980, § 52, eff. Sept. 1, 1997.

Amended by Acts 2001, 77th Leg., ch. 345, § 4, eff. Sept. 1, 2001.

§ 395.017. Additional Fee Prohibited; Exception

After assessment of the impact fees attributable to the new development or execution of an agreement for payment of impact fees, additional impact fees or increases in fees may not be assessed against the tract for any reason unless the number of service units to be developed on the tract increases. In the event of the increase in the number of service units, the impact fees to be imposed are limited to the amount attributable to the additional service units.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.018. Agreement With Owner Regarding Payment

A political subdivision is authorized to enter into an agreement with the owner of a tract of land for which the plat has been recorded providing for the time and method of payment of the impact fees.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.019. Collection of Fees if Services Not Available

Except for roadway facilities, impact fees may be assessed but may not be collected in areas where services are not currently available unless:

(1) the collection is made to pay for a capital improvement or facility expansion that has been identified in the capital improvements plan and the political subdivision commits to commence construction within two years, under duly awarded and executed contracts or commitments of staff time covering substantially all of the work required to provide service, and to have the service available within a reasonable period of time considering the type of capital improvement or facility expansion to be constructed, but in no event longer than five years;

(2) the political subdivision agrees that the owner of a new development may construct or finance the capital improvements or facility expansions and agrees that the costs incurred or funds advanced will be credited against the impact fees otherwise due from the new development or agrees to reimburse the owner for such costs from impact fees paid from other new developments that will use such capital improvements or facility expansions, which fees shall be collected and reimbursed to the owner at the time the other new development records its plat; or

(3) an owner voluntarily requests the political subdivision to reserve capacity to serve future development, and the political subdivision and owner enter into a valid written agreement.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.020. Entitlement to Services

Any new development for which an impact fee has been paid is entitled to the permanent use and benefit of the services for which the fee was exacted and is entitled to receive immediate service from any existing facilities with actual capacity to serve the new service units, subject to compliance with other valid regulations.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.021. Authority of Political Subdivisions to Spend Funds to Reduce Fees

Political subdivisions may spend funds from any lawful source to pay for all or a part of the capital improvements or facility expansions to reduce the amount of impact fees.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.022. Authority of Political Subdivision to Pay Fees

Political subdivisions and other governmental entities may pay impact fees imposed under this chapter.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.023. Credits Against Roadway Facilities Fees

Any construction of, contributions to, or dedications of off-site roadway facilities agreed to or required by a political subdivision as a condition of development approval shall be credited against roadway facilities impact fees otherwise due from the development.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.024. Accounting For Fees and Interest

(a) The order, ordinance, or resolution levying an impact fee must provide that all funds collected through the adoption of an impact fee shall be deposited in interest-bearing accounts clearly identifying the category of capital improvements or facility expansions within the service area for which the fee was adopted.

(b) Interest earned on impact fees is considered funds of the account on which it is earned and is subject to all restrictions placed on use of impact fees under this chapter.

(c) Impact fee funds may be spent only for the purposes for which the impact fee was imposed as shown by the capital improvements plan and as authorized by this chapter.

(d) The records of the accounts into which impact fees are deposited shall be open for public inspection and copying during ordinary business hours.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.025. Refunds

(a) On the request of an owner of the property on which an impact fee has been paid, the political subdivision shall refund the impact fee if existing facilities are available and service is denied or the political subdivision has, after collecting the fee when service was not available, failed to commence construction within two years or service is not available within a reasonable period considering the type of capital improvement or facility expansion to be constructed, but in no event later than five years from the date of payment under Section 395.019(1).

(b) Repealed by Acts 2001, 77th Leg., ch. 345, § 9, eff. Sept. 1, 2001.

(c) The political subdivision shall refund any impact fee or part of it that is not spent as authorized by this chapter within 10 years after the date of payment.

(d) Any refund shall bear interest calculated from the date of collection to the date of refund at the statutory rate as set forth in Section 302.002, Finance Code, or its successor statute.

(e) All refunds shall be made to the record owner of the property at the time the refund is paid. However, if the impact fees were paid by another political subdivision or governmental entity, payment shall be made to the political subdivision or governmental entity.

(f) The owner of the property on which an impact fee has been paid or another political subdivision or governmental entity that paid the impact fee has standing to sue for a refund under this section.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989. Amended by Acts 1997, 75th Leg., ch. 1396, § 37, eff. Sept. 1, 1997.

Amended by Acts 1999, 76th Leg., ch. 62, § 7.82, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 345, § 9, eff. Sept. 1, 2001.

SUBCHAPTER C. PROCEDURES FOR ADOPTION OF IMPACT FEE

§ 395.041. Compliance With Procedures Required

Except as otherwise provided by this chapter, a political subdivision must comply with this subchapter to levy an impact fee.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.0411. Capital Improvements Plan

The political subdivision shall provide for a capital improvements plan to be developed by qualified professionals using generally accepted engineering and planning practices in accordance with Section 395.014.

Added by Acts 2001, 77th Leg., ch. 345, § 5, eff. Sept. 1, 2001.

§ 395.042. Hearing on Land Use Assumptions and Capital Improvements Plan

To impose an impact fee, a political subdivision must adopt an order, ordinance, or resolution establishing a public hearing date to consider the land use assumptions and capital improvements plan for the designated service area.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, § 5, eff. Sept. 1, 2001.

§ 395.043. Information About Land Use Assumptions and Capital Improvements Plan Available to Public

On or before the date of the first publication of the notice of the hearing on the land use assumptions and capital improvements plan, the political subdivision shall make available to the public its land use assumptions, the time period of the projections, and a description of the capital improvement facilities that may be proposed.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, § 5, eff. Sept. 1, 2001.

§ 395.044. Notice of Hearing on Land Use Assumptions and Capital Improvements Plan

(a) Before the 30th day before the date of the hearing on the land use assumptions and capital improvements plan, the political subdivision shall send a notice of the hearing by certified mail to any person who has given written notice by certified or registered mail to the municipal secretary or other designated official of the political subdivision requesting notice of the hearing within two years preceding the date of adoption of the order, ordinance, or resolution setting the public hearing.

(b) The political subdivision shall publish notice of the hearing before the 30th day before the date set for the hearing, in one or more newspapers of general circulation in each county in which the political subdivision lies. However, a river authority that is authorized elsewhere by state law to charge fees that function as impact fees may publish the required newspaper notice only in each county in which the service area lies.

(c) The notice must contain:

(1) a headline to read as follows:

"NOTICE OF PUBLIC HEARING ON LAND USE ASSUMPTIONS AND CAPITAL
IMPROVEMENTS PLAN RELATING TO POSSIBLE ADOPTION OF IMPACT FEES"

(2) the time, date, and location of the hearing;

(3) a statement that the purpose of the hearing is to consider the land use assumptions and capital improvements plan under which an impact fee may be imposed; and

(4) a statement that any member of the public has the right to appear at the hearing and present evidence for or against the land use assumptions and capital improvements plan.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, § 5, eff. Sept. 1, 2001.

§ 395.045. Approval of Land Use Assumptions and Capital Improvements Plan Required

(a) After the public hearing on the land use assumptions and capital improvements plan, the political subdivision shall determine whether to adopt or reject an ordinance, order, or resolution approving the land use assumptions and capital improvements plan.

(b) The political subdivision, within 30 days after the date of the public hearing, shall approve or disapprove the land use assumptions and capital improvements plan.

(c) An ordinance, order, or resolution approving the land use assumptions and capital improvements plan may not be adopted as an emergency measure.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, § 5, eff. Sept. 1, 2001.

§ 395.0455. Systemwide Land Use Assumptions

(a) In lieu of adopting land use assumptions for each service area, a political subdivision may, except for storm water, drainage, flood control, and roadway facilities, adopt systemwide land use assumptions, which cover all of the area subject to the jurisdiction of the political subdivision for the purpose of imposing impact fees under this chapter.

(b) Prior to adopting systemwide land use assumptions, a political subdivision shall follow the public notice, hearing, and other requirements for adopting land use assumptions.

(c) After adoption of systemwide land use assumptions, a political subdivision is not required to adopt additional land use assumptions for a service area for water supply, treatment, and distribution facilities or wastewater collection and treatment facilities as a prerequisite to the adoption of a capital improvements plan or impact fee, provided the capital improvements plan and impact fee are consistent with the systemwide land use assumptions.

Added by Acts 1989, 71st Leg., ch. 566, § 1(b), eff. Aug. 28, 1989.

§ 395.047. Hearing on Impact Fee

On adoption of the land use assumptions and capital improvements plan, the governing body shall adopt an order or resolution setting a public hearing to discuss the imposition of the impact fee. The public hearing must be held by the governing body of the political subdivision to discuss the proposed ordinance, order, or resolution imposing an impact fee.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, § 5, eff. Sept. 1, 2001.

§ 395.049. Notice of Hearing on Impact Fee

(a) Before the 30th day before the date of the hearing on the imposition of an impact fee, the political subdivision shall send a notice of the hearing by certified mail to any person who has given written notice by certified or registered mail to the municipal secretary or other designated official of the political subdivision requesting notice of the hearing within two years preceding the date of adoption of the order or resolution setting the public hearing.

(b) The political subdivision shall publish notice of the hearing before the 30th day before the date set for the hearing, in one or more newspapers of general circulation in each county in which the political subdivision lies. However, a river authority that is authorized elsewhere by state law to charge fees that function as impact fees may publish the required newspaper notice only in each county in which the service area lies.

(c) The notice must contain the following:

(1) a headline to read as follows:

"NOTICE OF PUBLIC HEARING ON ADOPTION OF IMPACT FEES"

- (2) the time, date, and location of the hearing;
- (3) a statement that the purpose of the hearing is to consider the adoption of an impact fee;
- (4) the amount of the proposed impact fee per service unit; and
- (5) a statement that any member of the public has the right to appear at the hearing and present evidence for or against the plan and proposed fee.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, § 5, eff. Sept. 1, 2001.

§ 395.050. Advisory Committee Comments on Impact Fees

The advisory committee created under Section 395.058 shall file its written comments on the proposed impact fees before the fifth business day before the date of the public hearing on the imposition of the fees.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, § 5, eff. Sept. 1, 2001.

§ 395.051. Approval of Impact Fee Required

(a) The political subdivision, within 30 days after the date of the public hearing on the imposition of an impact fee, shall approve or disapprove the imposition of an impact fee.

(b) An ordinance, order, or resolution approving the imposition of an impact fee may not be adopted as an emergency measure.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, § 5, eff. Sept. 1, 2001.

§ 395.052. Periodic Update of Land Use Assumptions and Capital Improvements Plan Required

(a) A political subdivision imposing an impact fee shall update the land use assumptions and capital improvements plan at least every five years. The initial five-year period begins on the day the capital improvements plan is adopted.

(b) The political subdivision shall review and evaluate its current land use assumptions and shall cause an update of the capital improvements plan to be prepared in accordance with Subchapter B.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, § 6, eff. Sept. 1, 2001.

§ 395.053. Hearing on Updated Land Use Assumptions and Capital Improvements Plan

The governing body of the political subdivision shall, within 60 days after the date it receives the update of the land use assumptions and the capital improvements plan, adopt an order setting a public hearing to discuss and review the update and shall determine whether to amend the plan.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.054. Hearing on Amendments to Land Use Assumptions, Capital Improvements Plan, or Impact Fee

A public hearing must be held by the governing body of the political subdivision to discuss the proposed ordinance, order, or resolution amending land use assumptions, the capital improvements plan, or the impact fee. On or before the date of the first publication of the notice of the hearing on the amendments, the land use assumptions and the capital improvements plan, including the amount of any proposed amended impact fee per service unit, shall be made available to the public.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.055. Notice of Hearing on Amendments to Land Use Assumptions, Capital Improvements Plan, or Impact Fee

(a) The notice and hearing procedures prescribed by Sections 395.044(a) and (b) apply to a hearing on the amendment of land use assumptions, a capital improvements plan, or an impact fee.

(b) The notice of a hearing under this section must contain the following:

(1) a headline to read as follows:

"NOTICE OF PUBLIC HEARING ON AMENDMENT OF IMPACT FEES"

(2) the time, date, and location of the hearing;

(3) a statement that the purpose of the hearing is to consider the amendment of land use assumptions and a capital improvements plan and the imposition of an impact fee; and

(4) a statement that any member of the public has the right to appear at the hearing and present evidence for or against the update.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 345, § 7, eff. Sept. 1, 2001.

§ 395.056. Advisory Committee Comments on Amendments

The advisory committee created under Section 395.058 shall file its written comments on the proposed amendments to the land use assumptions, capital improvements plan, and impact fee before the fifth business day before the date of the public hearing on the amendments.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.057. Approval of Amendments Required

(a) The political subdivision, within 30 days after the date of the public hearing on the amendments, shall approve or disapprove the amendments of the land use assumptions and the capital improvements plan and modification of an impact fee.

(b) An ordinance, order, or resolution approving the amendments to the land use assumptions, the capital improvements plan, and imposition of an impact fee may not be adopted as an emergency measure.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.0575. Determination That No Update of Land Use Assumptions, Capital Improvements Plan or Impact Fees is Needed

(a) If, at the time an update under Section 395.052 is required, the governing body determines that no change to the land use assumptions, capital improvements plan, or impact fee is needed, it may, as an alternative to the updating requirements of Sections 395.052-395.057, do the following:

(1) The governing body of the political subdivision shall, upon determining that an update is unnecessary and 60 days before publishing the final notice under this section, send notice of its determination not to update the land use assumptions, capital improvements plan, and impact fee by certified mail to any person who has, within two years preceding the date that the final notice of this matter is to be published, give written notice by certified or registered mail to the municipal secretary or other designated official of the political subdivision requesting notice of hearings related to impact fees. The notice must contain the information in Subsections (b)(2)-(5).

(2) The political subdivision shall publish notice of its determination once a week for three consecutive weeks in one or more newspapers with general circulation in each county in which the political subdivision lies. However, a river authority that is authorized elsewhere by state law to charge fees that function as impact fees may publish the required newspaper notice only in each county in which the service area lies. The notice of public hearing may not be in the part of the paper in which legal notices and classified ads appear and may not be smaller than one-quarter page of a standard-size or tabloid-size newspaper, and the headline on the notice must be in 18-point or larger type.

(b) The notice must contain the following:

(1) a headline to read as follows:

"NOTICE OF DETERMINATION NOT TO UPDATE
LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENTS
PLAN, OR IMPACT FEES";

(2) a statement that the governing body of the political subdivision has determined that no change to the land use assumptions, capital improvements plan, or impact fee is necessary;

(3) an easily understandable description and a map of the service area in which the updating has been determined to be unnecessary;

(4) a statement that if, within a specified date, which date shall be at least 60 days after publication of the first notice, a person makes a written request to the designated official of the political subdivision requesting that the land use assumptions, capital improvements plan, or impact fee be updated, the governing body must comply with the request by following the requirements of Sections 395.052-395.057; and

(5) a statement identifying the name and mailing address of the official of the political subdivision to whom a request for an update should be sent.

(c) The advisory committee shall file its written comments on the need for updating the land use assumptions, capital improvements plans, and impact fee before the fifth business day before the earliest notice of the government's decision that no update is necessary is mailed or published.

(d) If, by the date specified in Subsection (b)(4), a person requests in writing that the land use assumptions, capital improvements plan, or impact fee be updated, the governing body shall cause an update of the land use assumptions and capital improvements plan to be prepared in accordance with Sections 395.052-395.057.

(e) An ordinance, order, or resolution determining the need for updating land use assumptions, a capital improvements plan, or an impact fee may not be adopted as an emergency measure.

Added by Acts 1989, 71st Leg., ch. 566, § 1(d), eff. Aug. 28, 1989.

§ 395.058. Advisory Committee

(a) On or before the date on which the order, ordinance, or resolution is adopted under Section 395.042, the political subdivision shall appoint a capital improvements advisory committee.

(b) The advisory committee is composed of not less than five members who shall be appointed by a majority vote of the governing body of the political subdivision. Not less than 40 percent of the membership of the advisory committee must be representatives of the real estate, development, or building industries who are not employees or officials of a political subdivision or governmental entity.

If the political subdivision has a planning and zoning commission, the commission may act as the advisory committee if the commission includes at least one representative of the real estate, development, or building industry who is not an employee or official of a political subdivision or governmental entity. If no such representative is a member of the planning and zoning commission, the commission may still act as the advisory committee if at least one such representative is appointed by the political subdivision as an ad hoc voting member of the planning and zoning commission when it acts as the advisory committee. If the impact fee is to be applied in the extraterritorial jurisdiction of the political subdivision, the membership must include a representative from that area.

(c) The advisory committee serves in an advisory capacity and is established to:

(1) advise and assist the political subdivision in adopting land use assumptions;

(2) review the capital improvements plan and file written comments;

(3) monitor and evaluate implementation of the capital improvements plan;

(4) file semiannual reports with respect to the progress of the capital improvements plan and report to the political subdivision any perceived inequities in implementing the plan or imposing the impact fee; and

(5) advise the political subdivision of the need to update or revise the land use assumptions, capital improvements plan, and impact fee.

(d) The political subdivision shall make available to the advisory committee any professional reports with respect to developing and implementing the capital improvements plan.

(e) The governing body of the political subdivision shall adopt procedural rules for the advisory committee to follow in carrying out its duties.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

SUBCHAPTER D. OTHER PROVISIONS

§ 395.071. Duties to be Performed Within Time Limits

If the governing body of the political subdivision does not perform a duty imposed under this chapter within the prescribed period, a person who has paid an impact fee or an owner of land on which an impact fee has been paid has the right to present a written request to the governing body of the political subdivision stating the nature of the unperformed duty and requesting that it be performed within 60 days after the date of the request. If the governing body of the political subdivision finds that the duty is required under this chapter and is late in being performed, it shall cause the duty to commence within 60 days after the date of the request and continue until completion.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.072. Records of Hearings

A record must be made of any public hearing provided for by this chapter. The record shall be maintained and be made available for public inspection by the political subdivision for at least 10 years after the date of the hearing.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.073. Cumulative Effect of State and Local Restrictions

Any state or local restrictions that apply to the imposition of an impact fee in a political subdivision where an impact fee is proposed are cumulative with the restrictions in this chapter.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.074. Prior Impact Fees Replaced by Fees Under This Chapter

An impact fee that is in place on June 20, 1987, must be replaced by an impact fee made under this chapter on or before June 20, 1990. However, any political subdivision having an impact fee that has not been replaced under this chapter on or before June 20, 1988, is liable to any party who, after June 20, 1988, pays an impact fee that exceeds the maximum permitted under Subchapter B by more than 10 percent for an amount equal to two times the difference between the maximum impact fee allowed and the actual impact fee imposed, plus reasonable attorney's fees and court costs.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.075. No Effect on Taxes or Other Charges

This chapter does not prohibit, affect, or regulate any tax, fee, charge, or assessment specifically authorized by state law.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.076. Moratorium on Development Prohibited

A moratorium may not be placed on new development for the purpose of awaiting the completion of all or any part of the process necessary to develop, adopt, or update land use assumptions, a capital improvements plan, or an impact fee.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 441, § 2, eff. Sept. 1, 2001.

§ 395.077. Appeals

(a) A person who has exhausted all administrative remedies within the political subdivision and who is aggrieved by a final decision is entitled to trial de novo under this chapter.

(b) A suit to contest an impact fee must be filed within 90 days after the date of adoption of the ordinance, order, or resolution establishing the impact fee.

(c) Except for roadway facilities, a person who has paid an impact fee or an owner of property on which an impact fee has been paid is entitled to specific performance of the services by the political subdivision for which the fee was paid.

(d) This section does not require construction of a specific facility to provide the services.

(e) Any suit must be filed in the county in which the major part of the land area of the political subdivision is located. A successful litigant shall be entitled to recover reasonable attorney's fees and court costs.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.078. Substantial Compliance With Notice Requirements

An impact fee may not be held invalid because the public notice requirements were not complied with if compliance was substantial and in good faith.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

§ 395.079. Impact Fee for Storm Water, Drainage, and Flood Control in Populous County

(a) Any county that has a population of 3.3 million or more or that borders a county with a population of 3.3 million or more, and any district or authority created under Article XVI, Section 59, of the Texas Constitution within any such county that is authorized to provide storm water, drainage, and flood control facilities, is authorized to impose impact fees to provide storm water, drainage, and flood control improvements necessary to accommodate new development.

(b) The imposition of impact fees authorized by Subsection (a) is exempt from the requirements of Sections 395.025, 395.052-395.057, and 395.074 unless the political subdivision proposes to increase the impact fee.

(c) Any political subdivision described by Subsection (a) is authorized to pledge or otherwise contractually obligate all or part of the impact fees to the payment of principal and interest on bonds, notes, or other obligations issued or incurred by or on behalf of the political subdivision and to the payment of any other contractual obligations.

(d) An impact fee adopted by a political subdivision under Subsection (a) may not be reduced if:

(1) the political subdivision has pledged or otherwise contractually obligated all or part of the impact fees to the payment of principal and interest on bonds, notes, or other obligations issued by or on behalf of the political subdivision; and

(2) the political subdivision agrees in the pledge or contract not to reduce the impact fees during the term of the bonds, notes, or other contractual obligations.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989.

Amended by Acts 2001, 77th Leg., ch. 669, § 107, eff. Sept. 1, 2001.

§ 395.080. Chapter Not Applicable to Certain Water-Related Special Districts

(a) This chapter does not apply to impact fees, charges, fees, assessments, or contributions:

(1) paid by or charged to a district created under Article XVI, Section 59, of the Texas Constitution to another district created under that constitutional provision if both districts are required by law to obtain approval of their bonds by the Texas Natural Resource Conservation Commission; or

(2) charged by an entity if the impact fees, charges, fees, assessments, or contributions are approved by the Texas Natural Resource Conservation Commission.

(b) Any district created under Article XVI, Section 59, or Article III, Section 52, of the Texas Constitution may petition the Texas Natural Resource Conservation Commission for approval of any proposed impact fees, charges, fees, assessments, or contributions. The commission shall adopt rules for reviewing the petition and may charge the petitioner fees adequate to cover the cost of processing and considering the petition. The rules shall require notice substantially the same as that required by this chapter for the adoption of impact fees and shall afford opportunity for all affected parties to participate.

Added by Acts 1989, 71st Leg., ch. 1, § 82(a), eff. Aug. 28, 1989. Amended by Acts 1995, 74th Leg., ch. 76, § 11.257, eff. Sept. 1, 1995.

§ 395.081. Fees for Adjoining Landowners in Certain Municipalities

(a) This section applies only to a municipality with a population of 105,000 or less that constitutes more than three-fourths of the population of the county in which the majority of the area of the municipality is located.

(b) A municipality that has not adopted an impact fee under this chapter that is constructing a capital improvement, including sewer or waterline or drainage or roadway facilities, from the municipality to a development located within or outside the municipality's boundaries, in its discretion, may allow a landowner whose land adjoins the capital improvement or is within a specified distance from the capital improvement, as determined by the governing body of the municipality, to connect to the capital improvement if:

(1) the governing body of the municipality has adopted a finding under Subsection (c); and

(2) the landowner agrees to pay a proportional share of the cost of the capital improvement as determined by the governing body of the municipality and agreed to by the landowner.

(c) Before a municipality may allow a landowner to connect to a capital improvement under Subsection (b), the municipality shall adopt a finding that the municipality will benefit from allowing the landowner to connect to the capital improvement. The finding shall describe the benefit to be received by the municipality.

(d) A determination of the governing body of a municipality, or its officers or employees, under this section is a discretionary function of the municipality and the municipality and its officers or employees are not liable for a determination made under this section.

Added by Acts 1997, 75th Leg., ch. 1150, § 1, eff. June 19, 1997.

§ 395.082. Certification of Compliance Required

(a) A political subdivision that imposes an impact fee shall submit a written certification verifying compliance with this chapter to the attorney general each year not later than the last day of the political subdivision's fiscal year.

(b) The certification must be signed by the presiding officer of the governing body of a political subdivision and include a statement that reads substantially similar to the following: "This statement certifies compliance with Chapter 395, Local Government Code."

(c) A political subdivision that fails to submit a certification as required by this section is liable to the state for a civil penalty in an amount equal to 10 percent of the amount of the impact fees erroneously charged. The attorney general shall collect the civil penalty and deposit the amount collected to the credit of the housing trust fund.

Added by Acts 2001, 77th Leg., ch. 345, § 8, eff. Sept. 1, 2001.

APPENDIX B

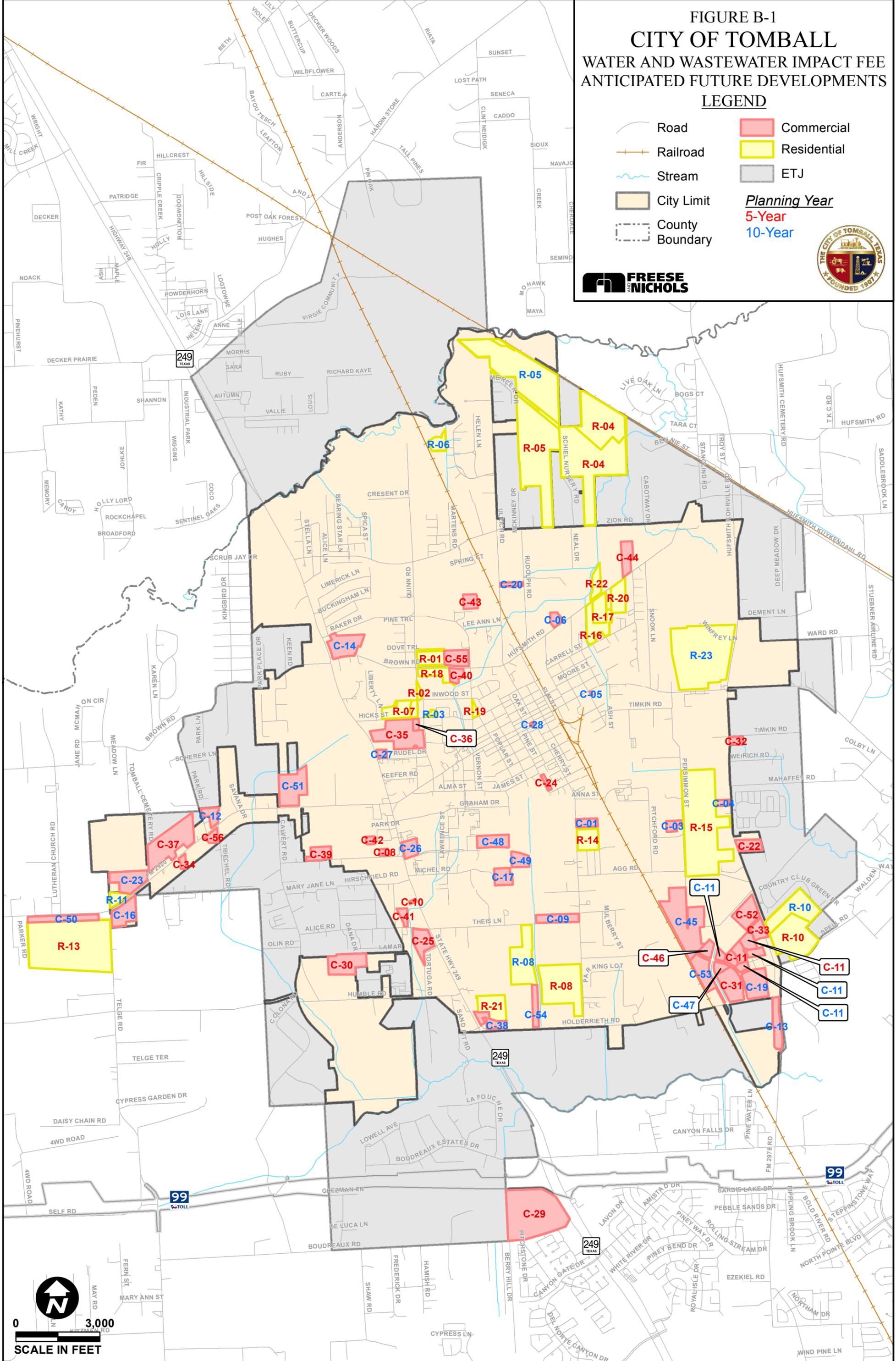
Anticipated Future Developments

FIGURE B-1 CITY OF TOMBALL WATER AND WASTEWATER IMPACT FEE ANTICIPATED FUTURE DEVELOPMENTS

LEGEND

	Road		Commercial
	Railroad		Residential
	Stream		ETJ
	City Limit	Planning Year	
	County Boundary		5-Year
			10-Year





City of Tomball

**Table B-1: Anticipated Future
Residential Developments during Impact Fee Period**



Development ID	Name ⁽¹⁾	Planning Year ⁽¹⁾	No. Meters ⁽²⁾	Meter Size ⁽²⁾	Developable Area ⁽³⁾ 80% of Area	Units/Acre ⁽⁴⁾	Impact Fee # Units ⁽⁵⁾	Impact Fee Pop ⁽⁶⁾
R-01	Yaupon Trails	5	45	3/4"			45	117
R-02	Burgli Homes	5			1.4	4.5	7	18
R-03	Hicks and Quinn Residential Neighborhood	10			1.2	4.5	6	16
R-04	Raleigh Creek	5	351	3/4"			351	913
R-05	Reserve at Spring Lake	5	53	3/4"			53	138
		10	60	3/4"			60	156
R-06	Bethel Heights Subdivision	10			5.3	4.5	25	65
R-07	Residential	5	5	3/4"			5	13
R-08	Cherry Pines	5	150	3/4"			150	390
		10	125	3/4"			125	325
R-10	Residential	5	164	3/4"			164	426
		10	90	3/4"			90	234
R-11	Multi Family	10			4.2	13.0	55	143
R-13	Trendmaker SF Res. Development	5	350	3/4"			350	910
R-14	Copper Cove	5			13.0	4.0	52	135
R-15	Hines Rayburn Development	5	350	3/4"			350	910
R-16	Timber Trails	5	114	3/4"			114	296
R-17	Grand Junction	5						
R-18	SF Residential (6000 sf lots)	5	41	3/4"			41	107
R-19	SF Residential (6000 sf lots)	5	6	3/4"			6	16
R-20	SF Residential (6000 sf lots)	5	55	3/4"			55	143
R-21	Apartments (364 Units)	5	13	4"			364	946
			1	2"				
R-22	SF Residential (43560) sf lots)	5	3	3/4"			3.0	8
R-23	Townhomes	10	150	3/4"			150.0	390
Total		-	-	-	-	-	2,621	6,814

(1) Developments Identified by the City's Planning Department.

(2) Anticipated number of meters and meter sizes from City.

(3) Developments follow parcel boundaries and development area calculated in GIS. According to the Comp. Plan 80% of each parcels acreage can be used.

(4) Units per areas information from Comp. Plan. or from lot size/density per City input.

(5) Impact Fee eligible number of units calculated using number of meters or units/acre information.

(6) Population projections calculated using 2.6 persons per dwelling unit assumption from the City's Comprehensive Plan.

City of Tomball
Table B-2: Anticipated Future
Commerical Developments during Impact Fee Period



Development ID	Name ⁽¹⁾	Planning Year ⁽¹⁾	No. Meters ⁽²⁾	Meter Size ⁽²⁾	Developable Area ⁽³⁾ 80% of Area
C-01	Cherry Street (Orbit) Laundry	10			4.1
C-03	Coastal Power Systems	10			3.3
C-04	Brent Grinding	10			1.9
C-05	403 Eats	10			0.1
C-06	Tennis Ventures	10			3.1
C-08	Shell/ Restaurant	5			1.5
C-09	Commercial	10			8.1
C-10	Chicken Express	5			0.5
C-11	Suez	5	5	1"	25.2
		10	2	1"	
			1	2"	
C-12	Commercial	10			5.0
C-13	Commercial	10			8.8
C-14	Future Commercial	10			15.1
C-16	Gas Station	10			11.6
C-17	Commercial	10			6.7
C-19	Commercial (No Concept Yet)	10	3	1"	14.7
C-20	Church	10			1.9
C-22	Commercial	5			6.5
C-23	Commercial	10			14.3
C-24	Commercial/ Nursing Home	5	1	2"	1.3
C-25	Commercial Restaurant/Office/Grocery	5	2	2"	9.5
			3	1"	
C-26	Commercial	10			5.6
C-27	Commercial	10			1.7
C-28	Commercial	10			0.2
C-29 ⁽⁴⁾⁽⁵⁾	Grand Parkway Town Center	5			10.0
C-30 ⁽⁵⁾	HCID17 Commercial/Office	5	4	1"	16.1
C-31	Manufacturing/Warehouse	5	1	2"	14.3
C-32	Retail/Office/Warehouse	5	6	1"	2.4
C-33	Zoned Industrial expecting office warehouse	5	6	1"	5.5
C-34	Hotel	5	1	2"	1.8
C-35	Church	5	4	1"	25.4
C-36	Office/Warehouse	5	2	3/4"	1.6
C-37	Office/Warehouse	5	20	1"	30.1
C-38	Retail/Restaurant/Office	10	8	1"	6.7
C-39	Office/Warehouse	5	3	1"	6.7
C-40	Church	5	1	1"	4.0
C-41	Retail	5	1	2"	2.9
C-42	Retail	5	1	2"	1.6
C-43	Commercial	5	1	1"	4.7
C-44	Commercial	5	1	3"	7.8
C-45	Commercial (No Concept Yet)	10	6	1"	40.1
C-46	Commercial (No Concept Yet)	10	1	1"	3.9
C-47	Commercial (No Concept Yet)	10	1	1"	3.0
C-48	Commercial (No Concept Yet)	10	2	1"	9.1
C-49	Commercial (No Concept Yet)	10	1	1"	5.7
C-50	Commercial	10	5	1"	9.7
C-51	Commercial (No Concept Yet)	10	6	1"	19.7
C-52	Zoned Industrial expecting office warehouse	5	10	1"	11.8
C-53	Commercial (No Concept Yet)	10	3	1"	11.9
C-54	Commercial (No Concept Yet)	10	1	1"	5.5
C-55	Church	5	1	1"	8.9
C-56	Gas Station	5	1	1"	2.9
Total		-	-	-	424.5

(1) Developments Identified by the City's Planning Department.

(2) Anticipated number of meters and meter sizes from City.

(3) Developments follow parcel boundaries and development area calculated in GIS. According to the Comp. Plan 80% of each parcels acreage can be used.

(4) Grand Parkway Acreage from Brochure

(5) City anticipates providing water services to Grand Parkway Town Center and HCID 17 area but not wastewater.

APPENDIX C

Water Project Costs

CIP Project Number:

1

Project Name: 12-inch Water Line along Hufsmith Road

Project Description:

This project includes the construction of a new 12-inch water line along Hufsmith Road from Ulrich Road to Lovett Street.

Project Drivers:

The recommended water line is sized to serve 2042 peak hourly demand and provide distribution system capacity for maintaining the Ulrich Elevated Storage Tank water level and increasing available fire flow. This project will help alleviate areas of low water system pressure in the northwest area of the City.

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	12" WL & Appurtenances	9,600	LF	\$ 124	\$ 1,190,400
2	24" Boring and Casing	500	LF	\$ 433	\$ 216,500
3	Pavement Repair	300	LF	\$ 78	\$ 23,400
SUBTOTAL:					\$ 1,430,300
CONTINGENCY				30%	\$ 429,100
SUBTOTAL:					\$ 1,859,400
ENG/SURVEY				15%	\$ 279,000
SUBTOTAL:					\$ 2,138,400
Estimated Project Total:					\$ 2,138,400

CIP Project Number:

2

Project Name: New 3,000 gpm East Water Plant with 1.0 MG GST

Project Description:

This project includes the construction of a new 3,000 gpm pump station, 1.0 MG ground storage tank and 2,000 gpm of groundwater well capacity along Hufsmith-Kohrville Road in between Mahaffey Road and Country Club Green Drive. Surface water from NHCRWA is anticipated to be delivered to this facility by 2027.

Project Drivers:

The recommended pump station is sized to meet 70% of 2042 peak hourly demand. The recommended ground storage tank is sized to meet 8 hours of 2042 maximum day demand. The recommended groundwater supply capacity is sized to meet 75% of maximum day demand.

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	Pump Station - New 4.32 MGD	1	LS	\$ 4,449,600	\$ 4,449,600
2	1.0 MG Ground Storage Tank	1	LS	\$ 1,030,000	\$ 1,030,000
3	Chemical Feed System	1	LS	\$ 309,000	\$ 309,000
4	2,000 gpm Groundwater Well Capacity	1	LS	\$ 3,090,000	\$ 3,090,000
5	Well Siting Study	1	Ea	\$ 35,100	\$ 35,100
6	12" WL & Appurtenances	5,300	LF	\$ 124	\$ 657,200
7	Land Acquisition	5	Ac	\$ 51,500	\$ 257,500
				SUBTOTAL:	\$ 9,828,400
				CONTINGENCY	30%
				SUBTOTAL:	\$ 12,777,000
				ENG/SURVEY	20%
				SUBTOTAL:	\$ 15,332,400
Estimated Project Total:					\$ 15,332,400

CIP Project Number:

3

Project Name: 12/16-inch Water Line along Main Street

Project Description:

This project includes the construction of a 12-inch water line to replace the existing 6-inch water line along Main Street from Persimmon Street to Snook Lane. This project also includes the construction of a 16-inch water line to replace the existing 6-inch water line along Main Street from Oak Street to Snook Lane. This project is recommended to coincide with the planned Main Street construction.

Project Drivers:

The recommended water line is sized to serve 2042 peak hourly demand and provide distribution system capacity for maintaining the Ulrich Elevated Storage Tank water level and increasing available fire flow.

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	16" WL & Appurtenances	5,600	LF	\$ 165	\$ 924,000
2	12" WL & Appurtenances	900	LF	\$ 124	\$ 111,600
3	Pavement Repair	6,500	LF	\$ 78	\$ 507,000
SUBTOTAL:					\$ 1,542,600
CONTINGENCY				30%	\$ 462,800
SUBTOTAL:					\$ 2,005,400
ENG/SURVEY				15%	\$ 300,900
SUBTOTAL:					\$ 2,306,300
Estimated Project Total:					\$ 2,306,300

CIP Project Number:

4

Project Name: 12-inch Water Line along Medical Complex Drive

Project Description:

This project includes the construction of a 12-inch water line along Medical Complex Drive from Hufsmith-Kohrville Road to Holderrieth Road to coincide with Medical Complex Drive expansion.

Project Drivers:

The recommended water lines are sized to serve 2042 peak hourly demand and increase available fire flow. This project will provide water for the upcoming Medical Complex development.

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	12" WL & Appurtenances	700	LF	\$ 124	\$ 86,800
2	Pavement Repair	200	LF	\$ 78	\$ 15,600
				SUBTOTAL:	\$ 102,400
				CONTINGENCY	30%
					\$ 30,800
				SUBTOTAL:	\$ 133,200
				ENG/SURVEY	15%
					\$ 20,000
				SUBTOTAL:	\$ 153,200
Estimated Project Total:					\$ 153,200

CIP Project Number:

5

Project Name: 16-inch Water Line along SH 249

Project Description:

This project includes the construction of a 16-inch water line to replace the existing 12-inch water line along SH 249 from Holderrieth Road to the proposed 1.25 MG elevated storage tank (Project 6).

Project Drivers:

The recommended water lines are sized to serve 2042 peak hourly demand.

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	16" WL & Appurtenances	5,800	LF	\$ 165	\$ 957,000
2	30" Boring and Casing	200	LF	\$ 541	\$ 108,200
3	Pavement Repair	200	LF	\$ 78	\$ 15,600
				SUBTOTAL:	\$ 1,080,800
				CONTINGENCY	30%
				SUBTOTAL:	\$ 1,405,100
				ENG/SURVEY	15%
				SUBTOTAL:	\$ 1,615,900
Estimated Project Total:					\$ 1,615,900

CIP Project Number:

6

Project Name: 1.25 MG EST and 16-inch Water Line

Project Description:

This project includes the construction of a new 1.25 MG elevated storage tank and 16-inch water line near SH 249 and Boudreaux Estates Drive. The elevated storage tank may be constructed sooner to meet commercial fire flow requirements.

Project Drivers:

The elevated storage tank and the 16-inch water line are sized to meet Grand Parkway Town Center fire flow requirements and meet 30% of 2042 projected peak hourly demand.

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	1.25 MG Elevated Storage Tank	1	LS	\$ 3,862,500	\$ 3,862,500
2	16" WL & Appurtenances	3,700	LF	\$ 165	\$ 610,500
3	Land Acquisition	1	Ac	\$ 51,500	\$ 51,500
				SUBTOTAL:	\$ 4,524,500
				CONTINGENCY	30%
				SUBTOTAL:	\$ 5,881,900
				ENG/SURVEY	20%
				SUBTOTAL:	\$ 7,058,300
Estimated Project Total:					\$ 7,058,300

CIP Project Number:

7

Project Name: 2,000 gpm FM 2920 Pump Station Expansion with 1.5 MG GSTs

Project Description:

This project includes the expansion of the FM 2920 pump station from 3,000 gpm to 5,000 gpm. This project also includes the construction of three 0.5 MG ground storage tanks at the FM 2920 Water Plant. Surface water from NHCRWA is anticipated to be delivered to this facility by 2027.

Project Drivers:

The recommended pump station is sized to meet 70% of 2042 peak hourly demand. The recommended ground storage tanks are sized to meet 8 hours of 2042 maximum day demand.

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	Pump Station - Expans 2.88 MGD	1	LS	\$ 890,000	\$ 890,000
2	0.5 MG Ground Storage Tank	3	LS	\$ 515,000	\$ 1,545,000
3	24" WL & Appurtenances	1,300	LF	\$ 248	\$ 322,400
4	16" WL & Appurtenances	1,000	LF	\$ 165	\$ 165,000
5	12" WL & Appurtenances	100	LF	\$ 124	\$ 12,400
				SUBTOTAL:	\$ 2,934,800
				CONTINGENCY	30%
				SUBTOTAL:	\$ 3,815,300
				ENG/SURVEY	20%
				SUBTOTAL:	\$ 4,578,400
Estimated Project Total:					\$ 4,578,400

CIP Project Number:

8

Project Name: 1,500 gpm East Water Plant Expansion with 1.0 MG GST

Project Description:

This project includes the addition of a 1,500 gpm pump, a 1,000 gpm groundwater well and construction of a 1 MG ground storage tank at the East Water Plant (Project 5). This project also includes the construction of a parallel 12-inch water line along Hufsmith-Kohrville Road from the East Water Plant to future Medical Complex Drive.

Project Drivers:

The recommended pump station is sized to meet 70% of 2042 peak hourly demand. The recommended ground storage tank is sized to meet 8 hours of 2042 maximum day demand. The recommended groundwater supply capacity is sized to meet 75% of maximum day demand.

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	1.0 MG Ground Storage Tank	1	LS	\$ 1,030,000	\$ 1,030,000
2	1,500 gpm Pump	1	LS	\$ 154,500	\$ 154,500
3	1,000 gpm Groundwater Well Capacity	1	LS	\$ 1,545,000	\$ 1,545,000
4	12" WL & Appurtenances	7,300	LF	\$ 124	\$ 905,200
5	Pavement Repair	200	LF	\$ 78	\$ 15,600
6	Land Acquisition	1	Ac	\$ 51,500	\$ 51,500
				SUBTOTAL:	\$ 3,701,800
				CONTINGENCY	30%
				SUBTOTAL:	\$ 4,812,400
				ENG/SURVEY	20%
				SUBTOTAL:	\$ 5,774,900
Estimated Project Total:					\$ 5,774,900

CIP Project Number:

9

Project Name: 12-inch Water Line along Oak Street

Project Description:

This project includes the construction of a new 12-inch water line to replace the existing 6-inch water line along Oak Street.

Project Drivers:

The recommended water lines are sized to serve 2042 peak hourly demand and increase available fire flow.

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	12" WL & Appurtenances	500	LF	\$ 124	\$ 62,000
2	Pavement Repair	200	LF	\$ 78	\$ 15,600
SUBTOTAL:					\$ 77,600
				CONTINGENCY	30%
SUBTOTAL:					\$ 100,900
				ENG/SURVEY	15%
SUBTOTAL:					\$ 116,100
Estimated Project Total:					\$ 116,100

CIP Project Number:

10

Project Name: 8-inch Water Line along Persimmon Road

Project Description:

This project includes construction of an 8-inch water line along Persimmon Road connecting the existing 6-inch water line to the proposed 12-inch water line (Projects 5 and 13).

Project Drivers:

The water line is recommended to connect existing dead end water lines and increase available fire flow.

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	8" WL & Appurtenances	1,500	LF	\$ 83	\$ 124,500
2	Pavement Repair	200	LF	\$ 78	\$ 15,600
				SUBTOTAL:	\$ 140,100
			CONTINGENCY	30%	\$ 42,100
				SUBTOTAL:	\$ 182,200
			ENG/SURVEY	15%	\$ 27,400
				SUBTOTAL:	\$ 209,600
Estimated Project Total:					\$ 209,600

APPENDIX D

Wastewater Project Costs

CIP Project Number:

1

Project Name: Replacement 10/12-inch Gravity Lines along Alma/James Streets

Detailed Description:

This project includes the construction of a new 10-inch gravity line to replace the existing 8-inch line along Alma Street/James Street. This project also includes the construction of a new 12-inch gravity line to replace the existing 8-inch line along Magnolia Street.

Purpose:

The hydraulic model indicates a lack of capacity in these lines to convey the existing peak wet weather flow. The recommended replacement gravity lines are sized to convey the existing and projected peak wet weather wastewater flows through 2042. The additional capacity provided by this replacement line will help the City maintain regulatory compliance regarding the prevention of surcharging and sanitary sewer overflows in a gravity sewer system (TCEQ §217.53).

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	12" Pipe 8- 16 feet deep	2,700	LF	\$ 115.00	\$ 310,500
2	10" Pipe 8- 16 feet deep	3,000	LF	\$ 96	\$ 288,000
3	48" Diameter Manhole (10' Depth)	20	EA	\$ 8,490.00	\$ 169,800
4	Pavement Repair	5,700	LF	\$ 80.00	\$ 456,000
SUBTOTAL:					\$ 1,224,300
CONTINGENCY				30%	\$ 367,300
SUBTOTAL:					\$ 1,591,600
ENG/SURVEY				15%	\$ 238,800
SUBTOTAL:					\$ 1,830,400
Estimated Project Total:					\$ 1,830,400

CIP Project Number:

2

Project Name: Replacement 21/24-inch North Willow Street Gravity Line

Detailed Description:

This project includes the construction of a new 21/24-inch gravity line to replace the existing 8-inch line along Magnolia Street.

Purpose:

The hydraulic model indicates a lack of capacity in these lines to convey the existing peak wet weather flow. The recommended replacement gravity lines are sized to convey the existing and projected peak wet weather wastewater flows through 2042. The additional capacity provided by this replacement line will help the City maintain regulatory compliance regarding the prevention of surcharging and sanitary sewer overflows in a gravity sewer system (TCEQ §217.53).

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	24" Pipe 8- 16 feet deep	60	LF	\$ 230.00	\$ 13,800
2	21" Pipe < 8 feet deep	3,100	LF	\$ 179	\$ 554,900
3	60" Diameter Manhole (9' Depth)	4	EA	\$ 11,140.00	\$ 44,560
4	Pavement Repair	100	LF	\$ 80.00	\$ 8,000
SUBTOTAL:					\$ 621,300
CONTINGENCY				30%	\$ 186,400
SUBTOTAL:					\$ 807,700
ENG/SURVEY				15%	\$ 121,200
SUBTOTAL:					\$ 928,900
Estimated Project Total:					\$ 928,900

CIP Project Number:

3

Project Name: Replacement 15/18-inch Gravity Main along Tomball Pkwy (Hwy 249 B)

Project Description:

This project includes the construction of a new 15/18-inch gravity line to replace the existing 10/15-inch line along Tomball Pkwy (249B). The additional capacity provided by this replacement line will help the City maintain regulatory compliance regarding the prevention of surcharging and sanitary sewer overflows in a gravity sewer system (TCEQ §217.53). This project also includes the construction of a new 18-inch gravity line parallel to Tomball Pkwy (connecting Hirschfield Road and Alice Road) and includes approximately 48,000 SF of easement acquisition.

Project Drivers:

The hydraulic model indicates a lack of capacity in these lines to convey the existing peak wet weather flow. The recommended replacement gravity lines are sized to convey the existing and projected peak wet weather wastewater flows through 2042.

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	18" Pipe 8- 16 feet deep	2,000	LF	\$ 172	\$ 344,000
2	18" Pipe > 16 feet deep	1,300	LF	\$ 191	\$ 248,300
3	15" Pipe 8- 16 feet deep	1,200	LF	\$ 144	\$ 172,800
4	10" Pipe < 8 feet deep	500	LF	\$ 85	\$ 42,500
5	60" Diameter Manhole (12' Depth)	17	EA	\$ 12,740	\$ 216,580
6	Pavement Repair	3,500	LF	\$ 80	\$ 280,000
7	34" Boring and Casing	150	LF	\$ 850	\$ 127,500
8	Easement Acquisition	48,000	SF	\$ 11	\$ 528,000
				SUBTOTAL:	\$ 1,959,700
				CONTINGENCY	30%
				SUBTOTAL:	\$ 588,000
				ENG/SURVEY	15%
				SUBTOTAL:	\$ 382,200
				SUBTOTAL:	\$ 2,929,900
				Estimated Project Total:	\$ 2,929,900

CIP Project Number: **4**

Project Name: FM 2920 Lift Station Expansion, Replacement Force Main and Gravity Line Expansions

Detailed Description:

This project includes construction of a new 1.9 MGD Lift Station at the FM 2920 Lift Station and associated 10-inch Force Main. This project also includes 18-inch gravity line expansion along the Medical Complex Drive.

Purpose:

The lift station, force main, and gravity line are sized for the projected 2042 peak flows from the Wastewater Service Area.

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	FM 2920 - Wet Well Replacement	1	EA	\$ 497,780	\$ 497,780
2	FM 2920 - Pumps	1	EA	\$ 338,640	\$ 338,640
3	FM 2920 - Electrical	1	EA	\$ 257,170	\$ 257,170
4	FM 2920- Generator	1	EA	\$ 145,140	\$ 145,140
5	FM 2920 - Piping and Valves	1	EA	\$ 101,850	\$ 101,850
6	10" Force Main < 8 feet deep	8,000	LF	\$ 85	\$ 680,000
7	18" Pipe 8- 16 feet deep	1,700	LF	\$ 172	\$ 292,400
8	34" Boring and Casing	800	LF	\$ 850	\$ 680,000
9	60" Diameter Manhole (9' Depth)	4	EA	\$ 11,140	\$ 44,560
10	Pavement Repair	700	LF	\$ 80	\$ 56,000
				SUBTOTAL:	\$ 3,093,600
				CONTINGENCY	30%
				SUBTOTAL:	\$ 4,021,700
				ENG/SURVEY	20%
				SUBTOTAL:	\$ 4,826,100
Estimated Project Total:					\$ 4,826,100

CIP Project Number:

6

Project Name: 1.5 MGD Expansion of South WWTP

Detailed Description:

This project includes the expansion of the South WWTP from 1.5 MGD to 3.0 MGD permitted ADF capacity.

Purpose:

The wastewater flow projections show a lack of available capacity at the South WWTP to treat the projected 25-year flows in this study. This 1.5 MGD expansion of the South WWTP will provide the available capacity to treat the projected wastewater flows. It should be noted that this 1.5 MGD expansion is based on the projected flows within the next 25 years. Future master planning efforts may identify a need for a larger expansion due to additional projected flows or WWTP consolidation.

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	South WWTP 1.5 MGD Expansion	1	EA	\$ 12,730,800	\$ 12,730,800
				SUBTOTAL:	\$ 12,730,800
			CONTINGENCY	30%	\$ 3,819,300
				SUBTOTAL:	\$ 16,550,100
			ENG/SURVEY	20%	\$ 3,310,100
				SUBTOTAL:	\$ 19,860,200
Estimated Project Total:					\$ 19,860,200



APPENDIX E

Public Hearing Presentation – October 7, 2019



WATER AND WASTEWATER IMPACT FEE UPDATE

PUBLIC HEARING



October 7, 2019

Water and Wastewater Impact Fee Background



- Governed by Chapter 395 of the Texas Local Government Code
- Why have Impact Fees?
 - ✓ Allows cities to recoup costs associated with infrastructure needed to serve future development
 - ✓ Alleviates burden of new facilities on existing customers
 - ✓ Makes “growth pay for a share of the growth”
- Study determines the maximum fee *allowed* by state law
- City Council sets the *actual* fee to be collected from new development

The Basic Question



WHO PAYS FOR GROWTH?

CAPITAL RECOVERY FEES

New development shares in part of this responsibility



Citizen



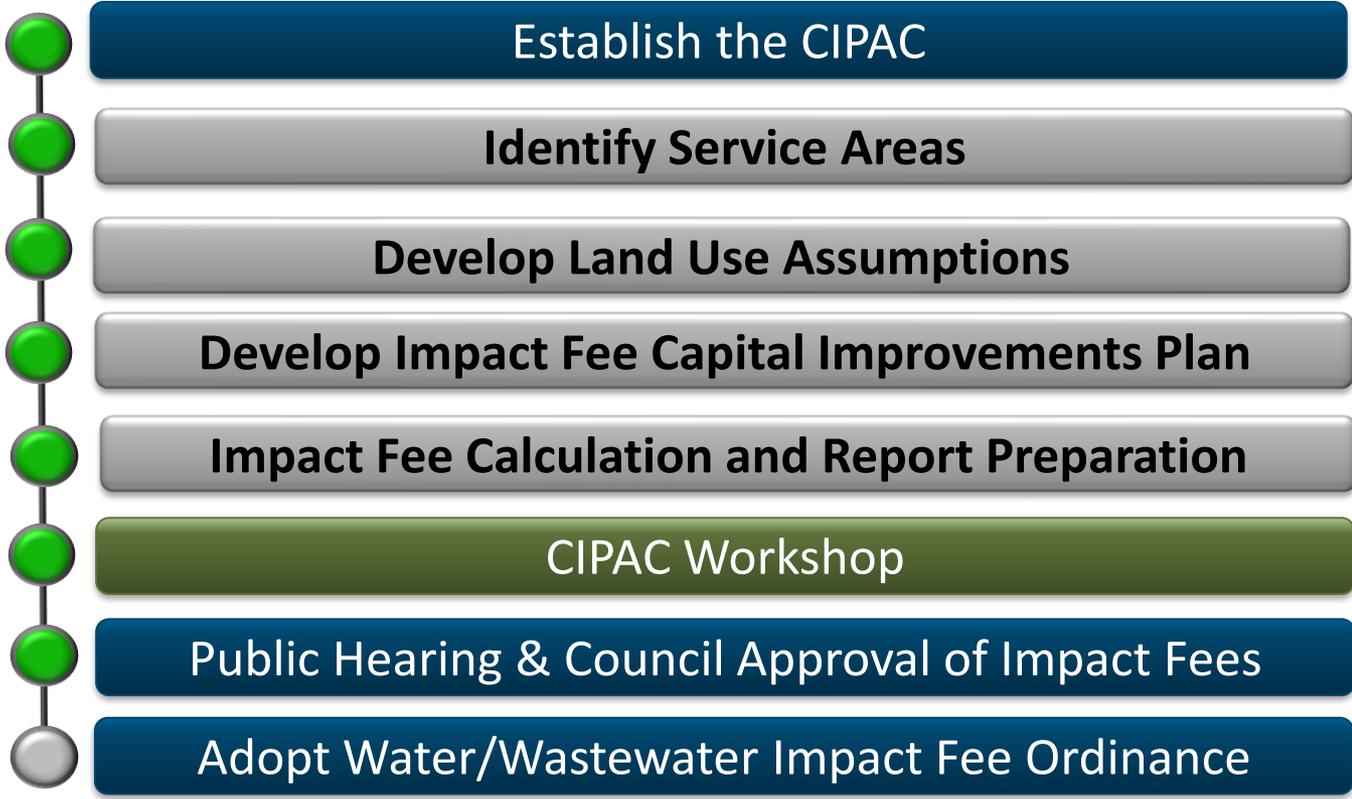
NO CAPITAL RECOVERY FEES

Existing and future tax payers build all capital facilities



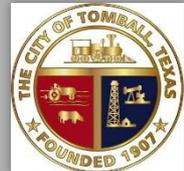
Developer

Impact Fee Process

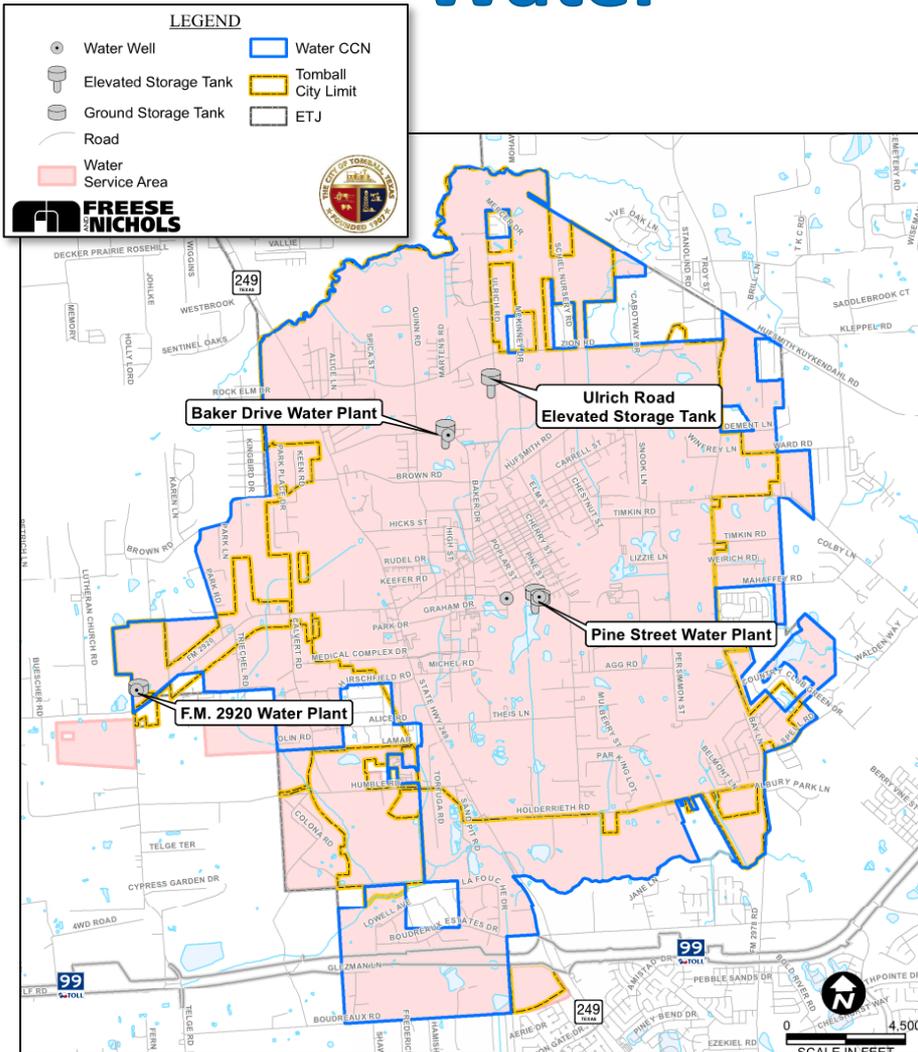


CIPAC =
Capital
Improvements
Projects
Advisory
Committee

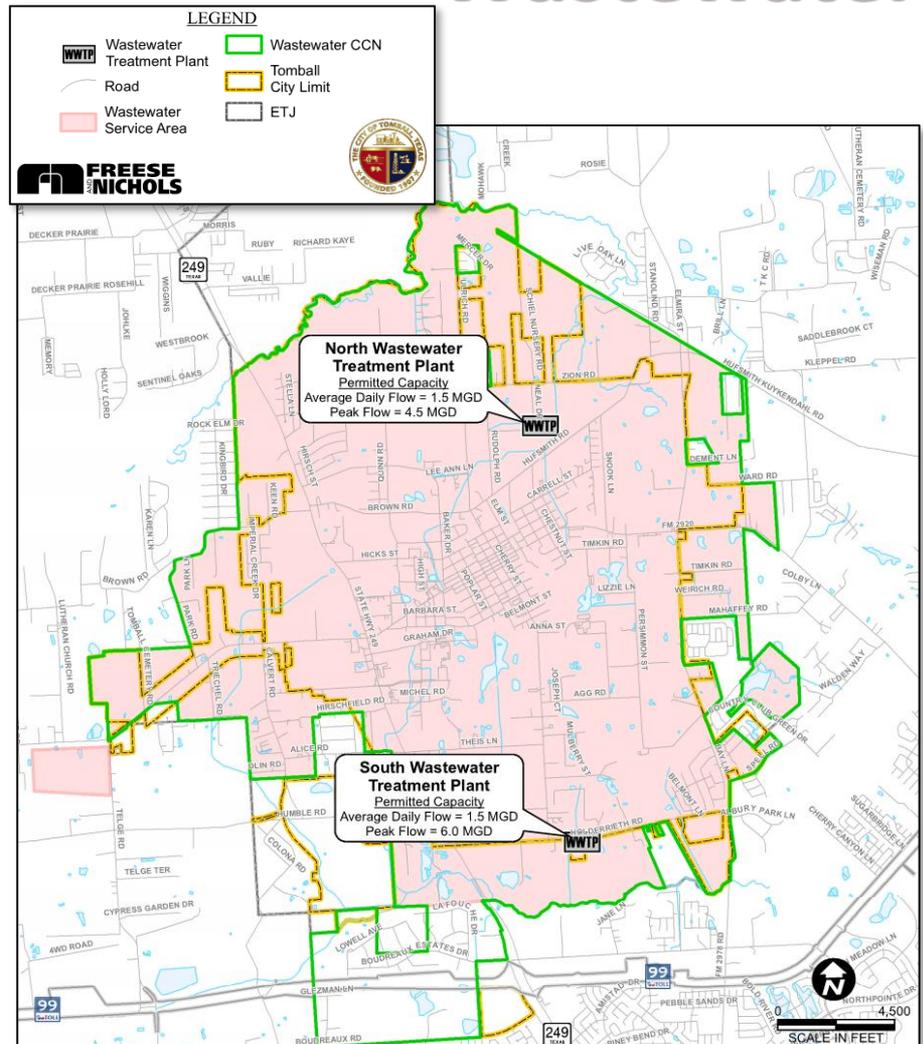
Water and Wastewater Impact Fee Service Area



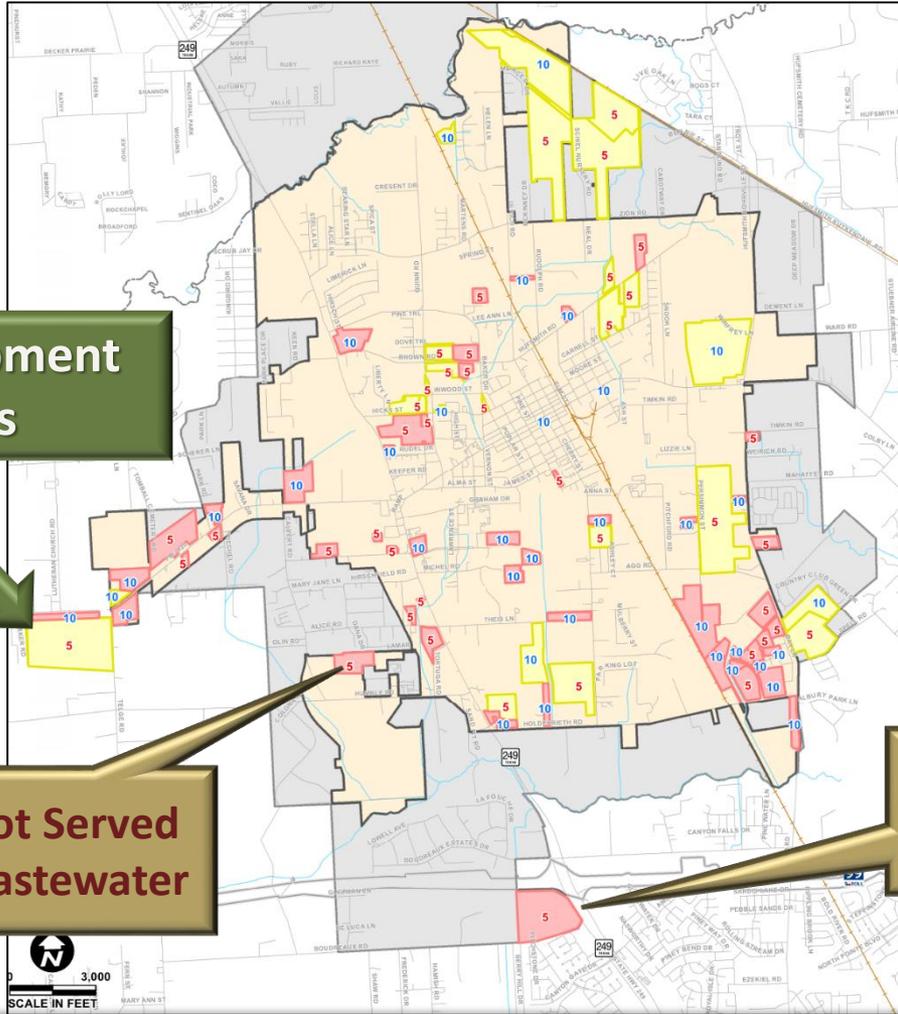
Water



Wastewater



Land Use Assumptions



CITY OF TOMBALL
WATER AND WASTEWATER IMPACT FEE
ANTICIPATED FUTURE DEVELOPMENTS

LEGEND

- Road
- Railroad
- Stream
- City Limit
- County Boundary
- Commercial
- Residential
- ETJ

Planning Year
 5-Year
 10-Year



FREESE NICHOLS

**Telge Development
 120-Acres**

**Not Served
 Wastewater**

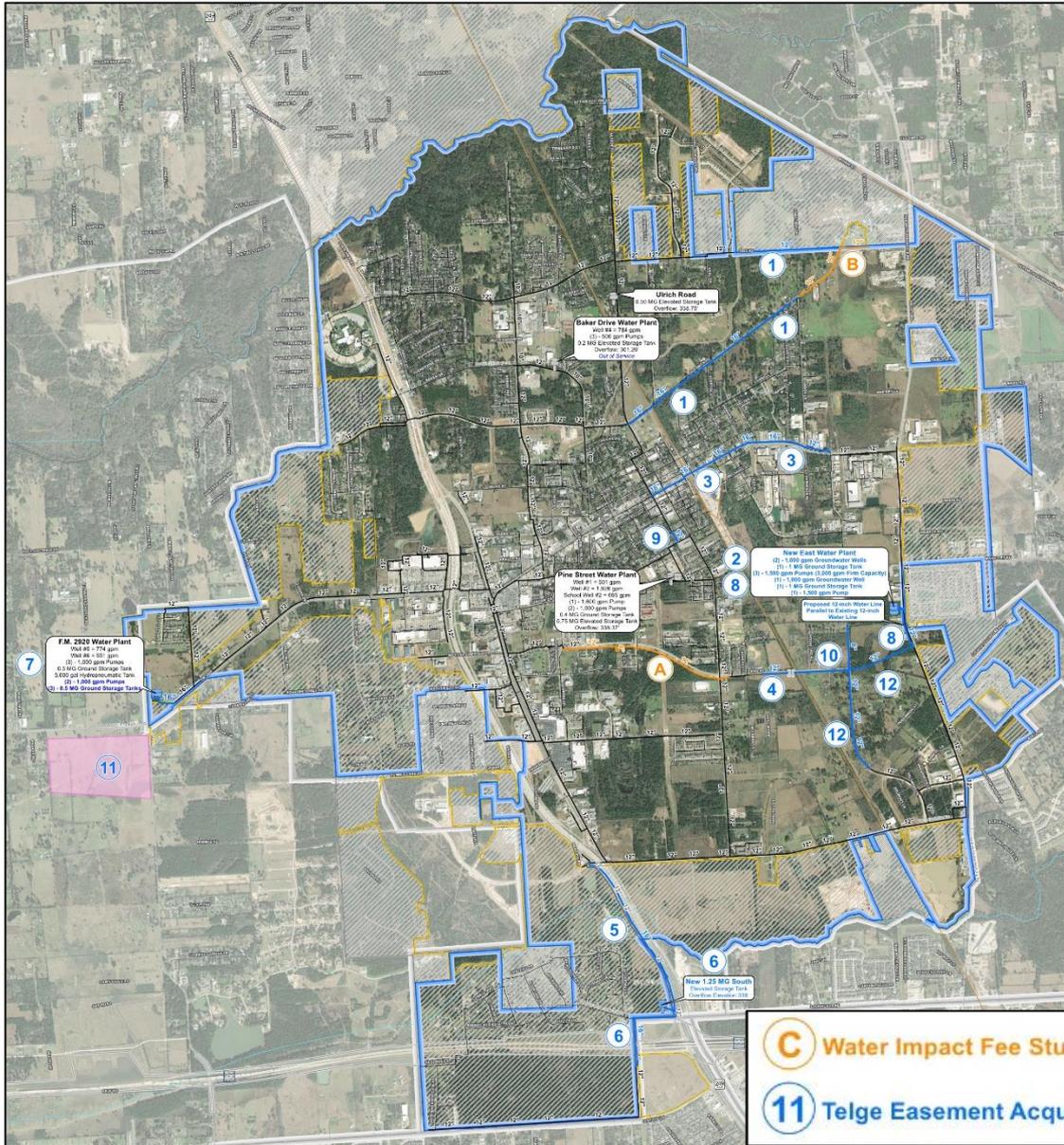
**Not Served
 Wastewater**

10-Year Growth in Service Unit Equivalents (SUEs)

Water 3,237

Wastewater 2,833

Water Impact Fee Capital Improvements Plan



LEGEND

Proposed Impact Fee Eligible

- Ground Storage Tank
- Elevated Storage Tank
- Water Line
- Line to be Replaced

Existing Impact Fee Eligible

- Water Line

Existing Water System

- Ground Storage Tank
- Elevated Storage Tank
- 8" and Smaller Water Line
- 10" and Larger Water Line

Road

Stream

Railroad

Tomball City Limit

Tomball ETJ

Houston ETJ

County Boundary

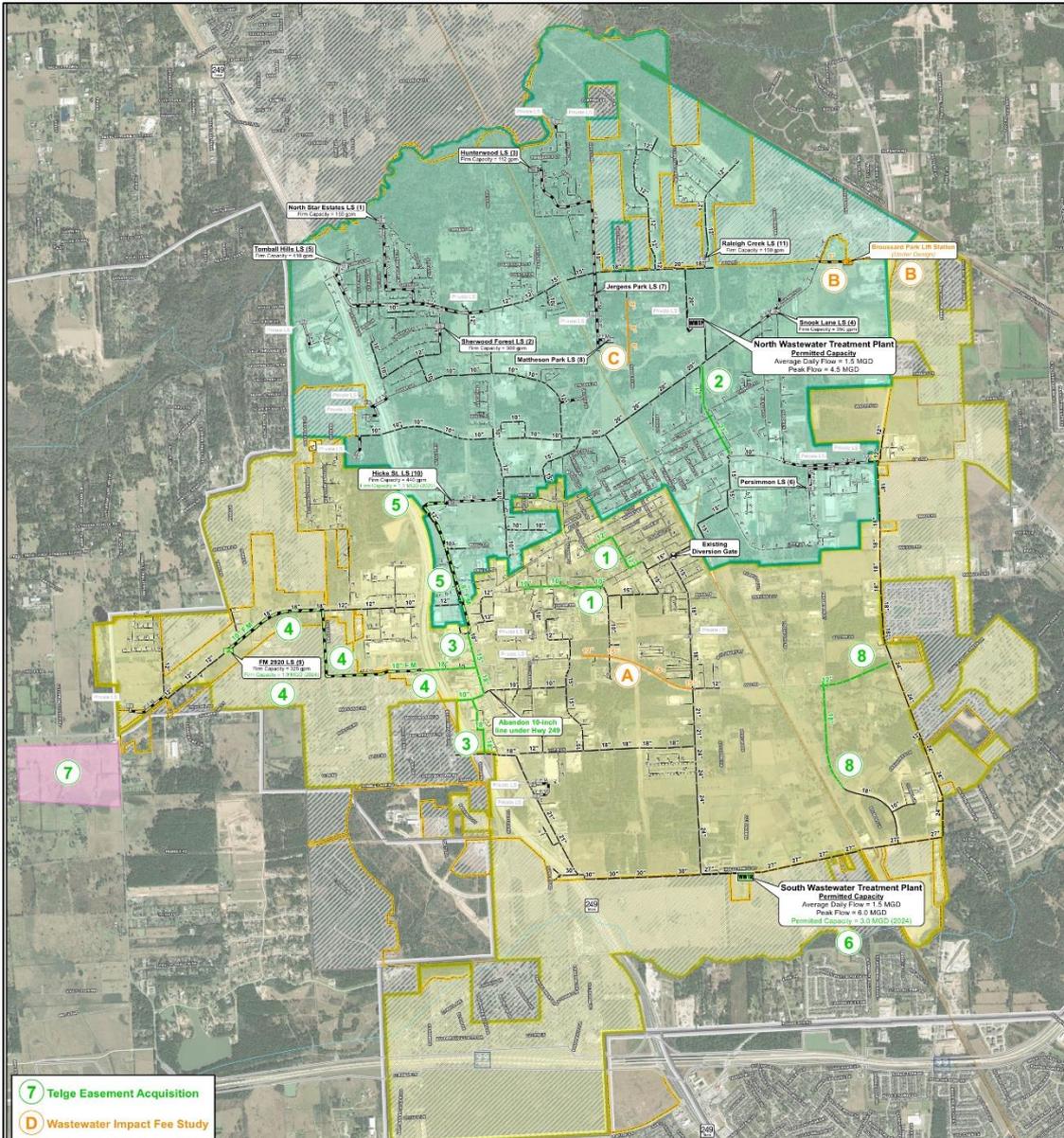
Water CCN

Telge Development

C Water Impact Fee Study

11 Telge Easement Acquisition

Wastewater Impact Fee Capital Improvements Plan



7 Telge Easement Acquisition
D Wastewater Impact Fee Study

LEGEND

Proposed Impact Fee Eligible

- Lift Station
- Wastewater Treatment Plant
- Wastewater Line
- Force Main

Existing/Under Design Impact Fee Eligible

- Lift Station
- Wastewater Line
- Force Main

Existing Wastewater System

- Manhole
- Diversion Gate

LEGEND

- Stream
- Tomball City Limit
- Tomball ETJ
- Houston ETJ
- County Boundary
- Telge Development
- Force Main
- Road
- Grand Parkway Right-Of-Way
- Railroad

FREESE AND NICHOLS

WASTEWATER BASIN

- North Basin
- South Basin

Water and Wastewater Impact Fee Calculations



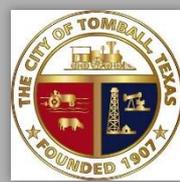
- Determine Portion of Water and Wastewater 10-Year CIP Eligible for Impact Fees
- Utilize Land Use Assumptions to Calculate Growth in New Service Units
- Impact Fees Calculated by 50% Credit Method*

$$\text{Impact Fee Per Service Unit} = \frac{\text{50\% of Eligible CIP Cost}^*}{\text{Growth in Service Units}}$$

*Texas Local Government Code §395.014 allows for a credit equal to 50% of the total projected cost of implementing the capital improvements plan

Water Impact Fee Calculation

Eligible CIP Cost



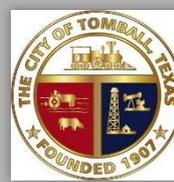
10-year Utilization Percentages – Water

No.	Description of Project	Percent Utilization			Costs Based on 2019 Dollars			
		2019 ⁽¹⁾	2029	2019-2029	Capital Cost	Current Development	10-Year (2019-2029)	
Existing/ Under-Design	A	Medical Complex Segment 3	0%	20%	20%	\$507,350	\$0	\$101,470
	B	Hufsmith Water & Sewer Extension	0%	10%	10%	\$533,274	\$0	\$53,327
	C	Water Impact Fee Update	0%	100%	100%	\$29,550	\$0	\$29,550
	Existing Projects Sub-total					\$1,070,174	\$0	\$184,347
Proposed	1	12-inch Water Line along Hufsmith Road	10%	20%	10%	\$2,138,400	\$213,840	\$213,840
	2	New 3,000 gpm East Water Plant with 1.0 MG GST	0%	80%	80%	\$15,332,400	\$0	\$12,265,920
	3	12/16-inch Water Line along Main Street	10%	20%	10%	\$2,306,300	\$230,630	\$230,630
	4	12-inch Water Line along Medical Complex Drive	0%	40%	40%	\$153,200	\$0	\$61,280
	5	16-inch Water Line along SH 249	0%	30%	30%	\$1,615,900	\$0	\$484,770
	6	1.25 MG EST and 16-inch Water Line	0%	30%	30%	\$7,058,300	\$0	\$2,117,490
	7	2,000 gpm FM 2920 Pump Station Expansion with 1.5 MG GSTs	0%	40%	40%	\$4,578,400	\$0	\$1,831,360
	8	1,500 gpm East Water Plant Expansion with 1.0 MG GST	0%	10%	10%	\$5,774,900	\$0	\$577,490
	9	12-inch Water Line along Oak Street	30%	50%	20%	\$116,100	\$34,830	\$23,220
	10	8-inch Water Line along Persimmon Road	0%	20%	20%	\$209,600	\$0	\$41,920
	11	Telge Easement Acquisition	0%	30%	30%	\$697,225	\$0	\$209,168
	12	Medical Complex Segment 4B	0%	20%	20%	\$870,422	\$0	\$174,084
Proposed Projects Sub-total					\$40,851,147	\$479,300	\$18,231,172	
Total					\$41,921,320	\$479,300	\$18,415,519	

(1) Utilization in 2019 on proposed projects indicates a portion of the project that will be used to address deficiencies within the existing system, and therefore are not eligible for capital recovery fee cost recovery for future growth.

Wastewater Impact Fee Calculation

Eligible CIP Cost



10-year Utilization Percentages – Wastewater

No.	Description of Project	Percent Utilization			Costs Based on 2019 Dollars			
		2019 ⁽¹⁾	2029	2019-2029	Capital Cost	Current Development	10-Year (2019-2029)	
Existing/ Under-Design	A	Medical Complex Segment 3	0%	10%	10%	\$417,820	\$0	\$41,782
	B	Hufsmith Water & Sewer Extension	0%	100%	100%	\$389,584	\$0	\$389,584
	C	Rudolph Road Sewer Extension	0%	50%	50%	\$311,825	\$0	\$155,913
	D	Wastewater Impact Fee Update	0%	100%	100%	\$29,550	\$0	\$29,550
	Existing Projects Sub-total					\$1,148,779	\$0	\$616,828
Proposed	1	Replacement 10/12-inch Gravity Lines along Alma/James Streets	60%	65%	5%	\$1,830,400	\$1,098,240	\$91,520
	2	Replacement 21/24-inch North Willow Street Gravity Line	85%	90%	5%	\$928,900	\$789,565	\$46,445
	3	Replacement 15/18-inch Gravity Main along Tomball Pkwy (Hwy 249 B)	35%	85%	50%	\$2,929,900	\$1,025,465	\$1,464,950
	4	FM 2920 Lift Station Expansion, Replacement Force Main and Gravity Line Expansions	30%	85%	55%	\$4,826,100	\$1,447,830	\$2,654,355
	5	Hicks Lift Station Expansion and Replacement Force Main	80%	100%	20%	\$1,654,100	\$1,323,280	\$330,820
	6	1.5 MGD Expansion of South WWTP	0%	25%	25%	\$19,860,200	\$0	\$4,965,050
	7	Telge Easement Acquisition	0%	30%	30%	\$697,225	\$0	\$209,168
	8	Medical Complex Segment 4B	0%	30%	30%	\$1,652,124	\$0	\$495,637
	Proposed Project Sub-total					\$34,378,949	\$5,684,380	\$10,257,945
Total					\$35,527,728	\$5,684,380	\$10,874,773	

(1) Utilization in 2019 on proposed projects indicates a portion of the project that will be used to address deficiencies within the existing system, and therefore are not eligible for impact fee cost recovery for future growth.



Impact Fee Calculation



Water and Wastewater Impact Fee Calculation

	Water	Wastewater
Total Eligible Capital Improvement Costs	\$18,415,519	\$10,874,773
Total Eligible Financing Cost ⁽¹⁾	\$6,064,260	\$3,412,115
Total Eligible Impact Fee Costs	\$24,479,780	\$14,286,887
Growth in Service Units	3,237	2,833
Pre-Credit Maximum Allowable Impact Fee per Service Unit ⁽²⁾	\$7,562	\$5,043
Impact Fee Rate Credit per Service Unit ⁽³⁾	(\$3,781)	(\$2,521)
Maximum Allowable Impact Fee⁽⁴⁾	\$3,781	\$2,521

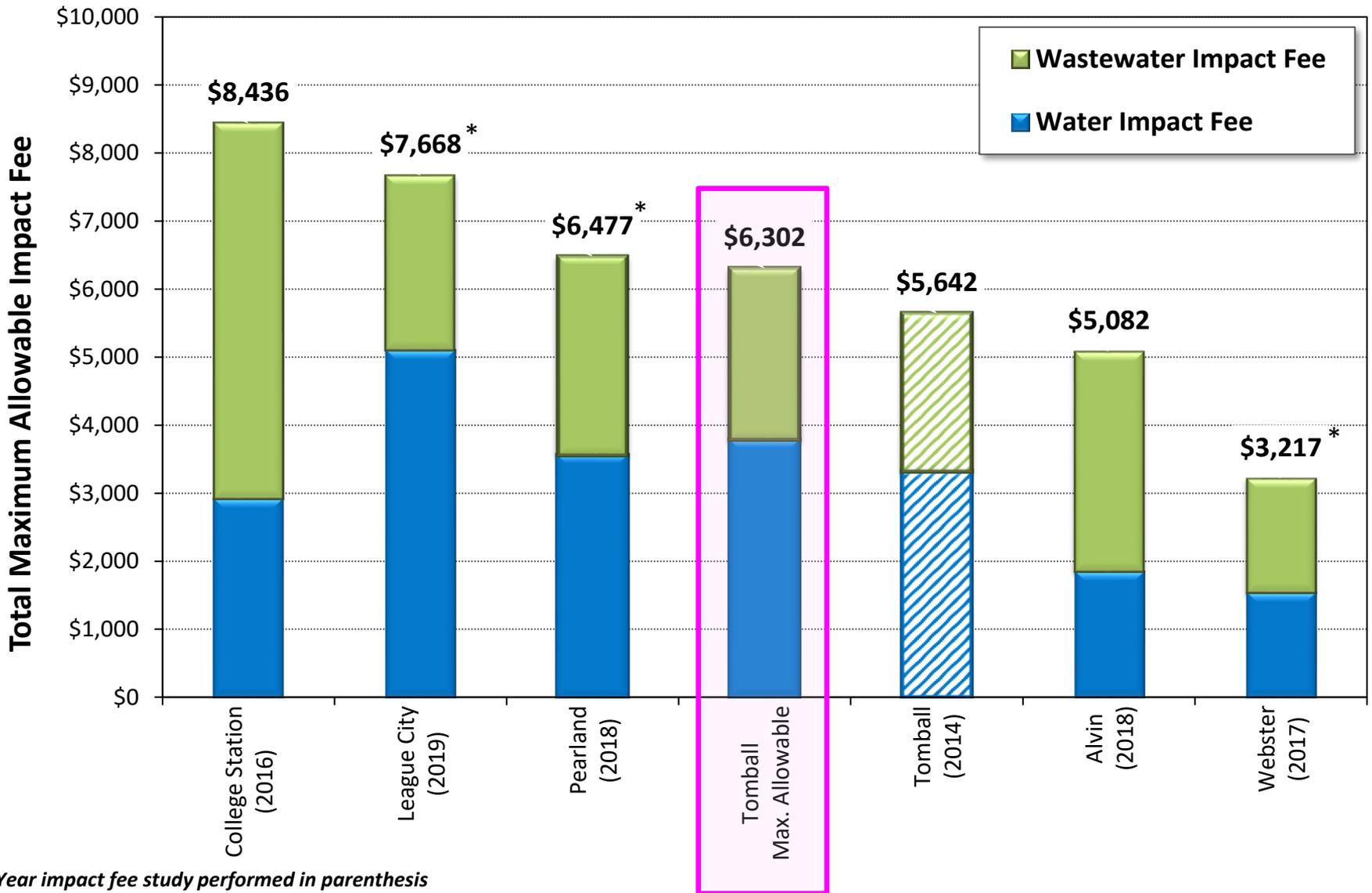
(1) 10-year finance costs calculated utilizing 4.0% interest rate.

(2) Total eligible costs divided by the growth in service units.

(3) Credit is 50% of maximum water impact fee per service unit.

(4) Maximum allowable impact fee is pre-credit maximum impact fee per service unit minus the impact fee credit per service unit.

Maximum Allowable Impact Fee Comparison



Year impact fee study performed in parenthesis

*Cities adopted maximum allowable fee as impact fee

Water and Wastewater Impact Fee Schedule by Meter Size



Meter Size	Service Unit Equivalent	Impact Fees	
		Water	Wastewater
3/4"	1.00	\$3,781.00	\$2,521.00
1"	1.67	\$6,314.27	\$4,210.07
1-1/2"	3.33	\$12,590.73	\$8,394.93
2"	5.33	\$20,152.73	\$13,436.93
3"	11.67	\$44,124.27	\$29,420.07
4"	20.00	\$75,620.00	\$50,420.00
6"	45.00	\$170,145.00	\$113,445.00
8"	53.33	\$201,640.73	\$134,444.93

Maximum Allowable Impact Fee Per Service Unit with 50% Credit

City Council sets the actual water and wastewater impact fees to be collected from new development.

Water Recommended Impact Fee Schedule by Meter Size



Meter Size	Water Impact Fee					
	Current	Proposed 2019-2020	Proposed 2020-2021	Proposed 2021-2022	Proposed 2022-2023	Proposed 2023-2024
3/4"	\$2,325.96	\$2,674.85	\$3,023.75	\$3,372.64	\$3,721.54	\$3,781.00
1"	\$5,814.90	\$4,467.00	\$5,049.66	\$5,632.31	\$6,214.97	\$6,314.27
1-1/2"	\$11,629.80	\$8,907.25	\$10,069.09	\$11,230.89	\$12,392.73	\$12,590.73
2"	\$18,607.68	\$14,256.95	\$16,116.59	\$17,976.17	\$19,835.81	\$20,152.73
3"	\$37,215.36	\$31,215.50	\$35,287.16	\$39,358.71	\$43,430.37	\$44,124.27
4"	\$58,149.00	\$53,497.00	\$60,475.00	\$67,452.80	\$74,430.80	\$75,620.00
6"	\$116,298.00	\$120,368.25	\$136,068.75	\$151,768.80	\$167,469.30	\$170,145.00
8"	\$186,076.80	\$142,649.75	\$161,256.59	\$179,862.89	\$198,469.73	\$201,640.73

City Council sets the actual water and wastewater impact fees to be collected from new development.

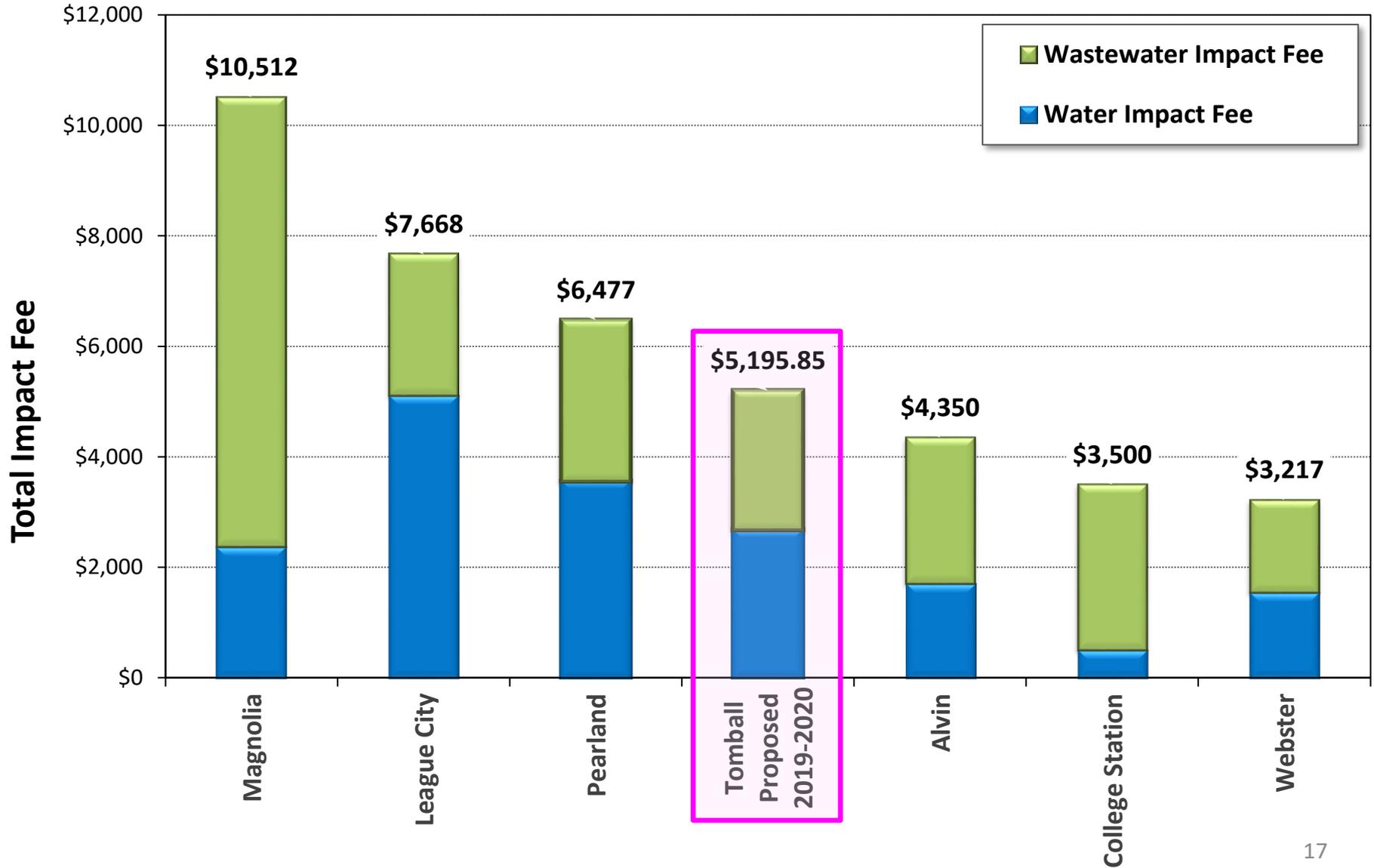
Wastewater Recommended Impact Fee Schedule by Meter Size



Meter Size	Wastewater Impact Fee	
	Current	Proposed 2019-2024
3/4"	\$2,322.57	\$2,521.00
1"	\$5,806.43	\$4,210.07
1-1/2"	\$11,612.85	\$8,394.93
2"	\$18,580.56	\$13,436.93
3"	\$37,161.12	\$29,420.07
4"	\$58,064.25	\$50,420.00
6"	\$116,128.50	\$113,445.00
8"	\$185,805.60	\$134,444.93

City Council sets the actual water and wastewater impact fees to be collected from new development.

Impact Fee Comparison



Next Steps



Action Item	Date	Action By
CIPAC Workshop – LUA, CIP, and Impact Fees	8/12/2019	City Staff, CIPAC, FNI
CIPAC submits written comments to Council	By 8/28/2019	City Staff, CIAC
Council Resolution for Public Hearing for Impact Fees	9/3/2019	City Staff, Council
Submit advertising for Public Hearing	By 9/4/2019	City Staff
Public Hearing – First Reading of Ordinance	10/7/2019	City Staff, Council, FNI
Second Reading and Adoption of Ordinance Implementing Impact Fees	10/21/2019	City Staff, Council, FNI



Richard Weatherly, P.E.

(713) 600-6824

Richard.Weatherly@freese.com



APPENDIX F

City Ordinance No. 2019-24

ORDINANCE NO. 2019-24

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS, ADOPTING IMPACT FEES FOR WATER AND WASTEWATER FACILITIES; DEFINING CERTAIN TERMS; PROVIDING FOR THE ASSESSMENT AND COLLECTION OF SUCH IMPACT FEES; CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, the City Council of the City of Tomball, Texas (the “City”) has reviewed and evaluated its impact fees for water and wastewater facilities in the time and manner required by law; and

WHEREAS, the City Council has employed qualified professionals to prepare its land use assumptions, capital improvements plan, and impact fees for water and wastewater facilities for the City, and each was considered by the City’s advisory committee, and such assumptions, plan, and proposed fees were filed with the City, along with the advisory committee’s comments; and

WHEREAS, the City Council has called, given notice of, and conducted a public hearing on such assumptions, plan, and proposed fees, in the time and manner required by law; and

WHEREAS, the City Council now desires to adopt such impact fees for water and wastewater facilities, all in accordance with said Chapter 395, Texas Local Government Code; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:

Section 1. Findings. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. **Title.** This Ordinance shall be known and cited as the "City of Tomball Impact Fee Ordinance."

Section 3. **Purpose.** This Ordinance is intended to impose and levy water and wastewater impact fees on new development, as established in this Ordinance, in order to finance public facilities, the demand for which is generated by new development in the designated service areas.

Section 4. **Authorization.** The City is authorized to enact this Ordinance in accordance with Chapter 395, Texas Local Government Code, which authorizes cities to enact or impose impact fees (capital recovery fees) on land within their corporate boundaries or extraterritorial jurisdictions, as charges or assessments imposed against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to such new development.

Section 5. **Impact Fees.** The impact fees set forth in Exhibit "A", are hereby levied on lands located within the corporate boundaries of the City and Extraterritorial Jurisdiction.

Section 6. **Collection of Impact Fees.** For all new developments, the impact fees due shall be collected at the time of application for a building permit, or at the time of application for a utility connection, whichever occurs first. If the building permit for which an impact fee has been paid has expired, and a new application is thereafter filed, the impact fees due shall be computed using the impact fee then in effect, and previous payments of impact fees shall be credited against the new fees due.

Section 7. **Establishment of Accounts.**

A. The City shall establish an account to which interest is allocated for each type of capital facility for which an impact fee is imposed pursuant to this Ordinance. Each impact fee collected within the service area shall be deposited in such account.

B. Interest earned on the account into which the impact fees are deposited shall be considered funds of the account and shall be used solely for the purposes authorized in Section 8 below.

C. The City shall establish adequate financial and accounting controls to ensure that impact fees disbursed from the account are utilized solely for the purposes authorized in Section 8. Disbursement of funds shall be authorized by the City at such times as are reasonably necessary to carry out the purposes and intent of this Ordinance.

D. The City shall maintain and keep financial records for impact fees, which shall show the source and disbursement of all fees collected in or expended within the service area. The records of the account into which impact fees are deposited shall be open for public inspection and copying during ordinary business hours.

Section 8. Use of Proceeds of Impact Fee Accounts. The impact fees collected pursuant to this Ordinance may be used to finance or to recoup the costs of any capital improvements or facility expansion identified in the City of Tomball 2019 Water and Wastewater Impact Fee Study for the service area, including but not limited to the construction contract price, surveying and engineering fees, land acquisition costs (including land purchases, court awards and costs, attorney's fees, and expert witness fees). Impact fees may also be used to pay the principal sum and interest and other finance costs on bonds, notes, or other obligations issued by or on behalf of the City to finance such capital improvements or facility expansion. Impact fees also may be used to pay fees actually contracted to be paid to an independent qualified engineer or financial consultant for preparation of or updating the impact fee capital improvements plan.

Section 9. Refunds and Rebates.

A. Upon application, any impact fee, or portion thereof, collected pursuant to this Ordinance, which has not been expended within the service area within ten (10) years from the

date of payment, shall be refunded to the record owner of the property for which the impact fee was paid or, if the impact fee was paid by another governmental entity, to such governmental entity, together with interest calculated from the date of collection to the date of refund at the statutory rate as set forth in Section 302.002, Finance Code, or its successor statute. An impact fee shall be considered expended on a first in, first out basis.

B. Upon application, any impact fee collected pursuant to this Ordinance shall be refunded if:

1. Existing service is available and service is denied; or
2. Service was not available when the fee was collected and the City has failed to commence construction of facilities to provide service within two (2) years of fee payment; or
3. Service was not available when the fee was collected and has not subsequently been made available within a reasonable period of time considering the type of capital improvement or facility expansion to be constructed, but in any event later than five (5) years from the date of fee payment.

Section 10. Repealer. Ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 11. Severability Clause. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 12. This Ordinance shall become effective fourteen days after the final reading and adoption of this Ordinance when the caption hereof is caused to be published once in the official newspaper of the City, by the City Secretary, as required by law. The City Secretary is directed to publish the caption of this Ordinance in the City's official newspaper within 14 days after the passage of the ordinance.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 7TH DAY OF OCTOBER 2019.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN KLEIN QUINN	<u>AYE</u>

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 21ST DAY OF OCTOBER 2019.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>ABSENT</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN KLEIN QUINN	<u>AYE</u>



GRETCHEN FAGAN, Mayor

ATTEST:



DORIS SPEER, City Secretary

Exhibit A

Meter Size	Water Impact Fee					
	Current	Proposed 2019-2020	Proposed 2020-2021	Proposed 2021-2022	Proposed 2022-2023	Proposed 2023-2024
3/4"	\$2,325.96	\$2,674.85	\$3,023.75	\$3,372.64	\$3,721.54	\$3,781.00
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3"	\$37,215.36	\$31,215.50	\$35,287.16	\$39,358.71	\$43,430.37	\$44,124.27
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