



**CAPITAL IMPROVEMENT ADVISORY COMMITTEE SPECIAL MEETING
&
PLANNING AND ZONING COMMISSION REGULAR MEETING
THURSDAY, NOVEMBER 16, 2023 - 6:00 PM
COUNCIL CHAMBERS, CITY HALL
910 S. FRIENDSWOOD DR, FRIENDSWOOD, TX 77546**

AGENDA

1. CALL TO ORDER THE CAPITAL IMPROVEMENT ADVISORY COMMITTEE (CIAC) SPECIAL MEETING.

A. COMMUNICATIONS FROM THE PUBLIC

In order to comply with provisions of the Open Meetings Act, the Commission may not deliberate on subjects discussed under this agenda item. However, the Commission may direct such subjects to be placed on a later regular Commission agenda for discussion and/or possible action.

B. Discuss the City's Land Use Assumptions, Capital Improvements Plan (CIP) and Impact Fee Analysis for Water and Wastewater, relating to (i) the possible adoption of updated Impact Fees; (ii) Written Comments to be provided to the City Council, in accordance with Chapter 395 of the Texas Local Government Code; and (iii) other findings and details related thereto.

C. Consider approving a recommendation to the City Council regarding the City's Impact Fees and associated final written comments, to be presented at the January 8, 2024, City Council Regular Meeting.

2. ADJOURNMENT OF THE CIAC SPECIAL MEETING.

3. CALL TO ORDER THE PLANNING AND ZONING COMMISSION REGULAR MEETING.

4. COMMUNICATIONS FROM THE PUBLIC

In order to comply with provisions of the Open Meetings Act, the Commission may not deliberate on subjects discussed under this agenda item. However, the Commission may direct such subjects to be placed on a later regular Commission agenda for discussion and/or possible action.

5. CONSENT AGENDA

These items are considered routine or ministerial in nature and will be enacted with one motion. There will be no separate discussion of items unless a commissioner so requests in which case the item would be removed from the consent agenda and considered separately.

A. Consider approving the minutes of the Planning and Zoning Regular Meeting held Thursday, October 26, 2023.

6. ACTION ITEMS

A. ZONE CHANGE REQUEST: 901 S FRIENDSWOOD DRIVE

- i Conduct a public hearing regarding a request for a zone classification change located at 901 S Friendswood Drive, .54 acres being Lot One (1), of Southern Breeze, a subdivision in Galveston County, Texas, according to the map or plat thereof, recorded in Volume 18,

Page 353, of the Map Records of Galveston County, Texas, to change from Neighborhood Commercial (NC) to Downtown District (DD).

- ii Consider a recommendation to the City Council regarding a requested zone classification change located at 901 S Friendswood Drive to change from Neighborhood Commercial (NC) to Downtown District (DD).
- B. Consider approving a site plan for two new buildings to be located at 110 and 112 Hunters Lane.
- C. Consider approving a site plan amendment at 1 Oak Tree to add a parking lot containing 23 new parking spaces.
- D. Consider cancelling the Planning and Zoning Regular Meeting scheduled for Thursday, December 28, 2023, due to the holidays.

7. COMMUNICATIONS

- A. Receive a legislative update from Karen Horner, City Attorney.
- B. Announcement of the next Planning and Zoning Commission regular meetings for (i) Thursday, November 30, 2023, and (ii) Thursday, December 14, 2023.
- C. Receive the October 2023 DRC Report, Council Liaison updates concerning action taken by the City Council on Planning and Zoning related items, and Commissioner comments concerning items of community interest and/or requesting future agenda items.

8. ADJOURNMENT OF THE PLANNING AND ZONING REGULAR MEETING

PUBLIC NOTICE IS GIVEN THAT IN ADDITION TO ANY EXECUTIVE SESSION LISTED ABOVE, THE PLANNING AND ZONING COMMISSION RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE SECTIONS 551.071 - 551.090 TO DISCUSS ANY MATTERS LISTED ABOVE.

THE CITY OF FRIENDSWOOD IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. REASONABLE ACCOMMODATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST. PLEASE CONTACT THE CITY SECRETARY'S OFFICE BY PHONE AT (281) 996-3270, FAX (281) 482-1634, OR CONTACT (281) 996-3270 VIA RELAY TEXAS AT 711 OR 1-800-735-2988 FOR TTY SERVICES. FOR MORE INFORMATION CONCERNING RELAY TEXAS, PLEASE VISIT: [HTTP://RELAYTEXAS.COM](http://RELAYTEXAS.COM).



Approved for posting by:
Aubrey Harbin, LEED AP
Director of Community Development/City Planning



Posted by: Leticia Brysch, City Secretary
Posted in compliance with the Texas Open Meetings Act
this 13th day of November 2023, at 3:00 P.M.



FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: November 16, 2023

Subject: Discuss the City's Land Use Assumptions, Capital Improvements Plan (CIP) and Impact Fee Analysis for Water and Wastewater, relating to (i) the possible adoption of updated Impact Fees; (ii) Written Comments to be provided to the City Council, in accordance with Chapter 395 of the Texas Local Government Code; and (iii) other findings and details related thereto.

Action:

SUMMARY / ORIGINATING CAUSE

Impact fees are capital recovery fees used to expand the water and sewer systems to accommodate new growth. In order to assess an impact fee, a City must use land use assumptions to determine population growth and provide details on specific capital improvement projects that will be funded with the fees collected. The impact fees are paid at the time of building permit issuance and are based on meter size. The City first began charging impact fees in 1990. Chapter 395 of the Local Government Code requires an updated study every five years. The last update was in 2018.

State law requires a Capital Improvement Advisory Committee (CIAC) and the purpose of that committee is to provide input on the land use assumptions and the capital improvement plans for water and wastewater. By ordinance, the Planning and Zoning Commission acts as the CIAC for Friendswood.

Staff from Freese and Nicols, Incorporated (FNI) will be presenting the updated information. A final written report by the CIAC to City Council is required at least 5 days before the public hearing with Council, which is scheduled for Monday, January 8, 2024.

The 2018 study is attached for reference.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

State law requires an updated study every five years regarding land use assumptions and capital projects necessary to support the projected population increase.

RECOMMENDATIONS

2018 - ADOPTED

Recommended Water Impact Fee = \$1,407/ESU

Recommended Wastewater Impact Fee = \$2,820/ESU

TOTAL Impact Fee - \$4,227/ESU

2023 - DRAFT

Recommended Water Impact Fee = \$3,721/ESU

Recommended Wastewater Impact Fee = \$1,676/ESU

TOTAL Impact Fee - \$5,397/ESU

ATTACHMENTS

1. DRAFT Water and Wastewater Impact Fee Update Report - 11-06-2023



FRIENDSWOOD

CITY OF FRIENDSWOOD

DRAFT

2023 WATER AND WASTEWATER IMPACT FEE UPDATE

PREPARED BY:

Freese and Nichols, Inc.
11200 Broadway St., Suite 2320
Pearland, Texas 77584
832-456-4700

PREPARED FOR:
City of Friendswood



TM



DRAFT 2023 WATER AND WASTEWATER IMPACT FEE UPDATE

Prepared for:

City of Friendswood

DRAFT	DRAFT
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Prepared by:

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11200 Broadway St, Suite 2320
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FNI Project No.: FSW23382



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Appendix B	Water Impact Fee Eligible CIP Opinions of Probable Construction Costs
Appendix C	Wastewater Impact Fee CIP Opinions of Probable Construction Costs
Appendix D	Anticipated Future Development Information



CAPITAL IMPROVEMENTS ADVISORY COMMITTEE MEMBERS

Chairman Tom Hinckley

Vice-Chair Richard Sasson

Commissioner Travis Mann

Commissioner Cathy Koerner

Commissioner Brian Bounds

Commissioner Marsha Conrad

Commissioner Marcus Rives



1.0 BACKGROUND AND SCOPE

The City of Friendswood (City) currently assesses water and wastewater impact fees as per Texas Local Government Code (TLGC) Chapter 395. The City authorized Freese and Nichols, Inc. (FNI) to perform an impact fee update for the City's water and wastewater systems. The methodology used herein satisfies the requirements of TLGC Chapter 395 (**Section 1.1**) for the update of water and wastewater impact fees.

1.1 TEXAS LOCAL GOVERNMENT CODE

TLGC Chapter 395 (**Appendix A**) requires an impact fee analysis before impact fees can be created, updated, and assessed. TLGC 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, TLGC Chapter 395 was amended creating the current procedure for implementing impact fees. TLGC 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

TLGC 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 facilities or facility expansions 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.

Periodic Updates

According to TLGC §395.052(a) “A political subdivision imposing an impact fee shall update the land use assumptions and capital improvements plan at least every five years...” As capital improvement projects in the plan are completed, planned costs are updated with actual costs to reflect the capital expenditure of the program more accurately. Additionally, new capital improvement projects may be added to the impact fee eligible CIP during the periodic updates.

1.2 IMPACT FEE DEVELOPMENT

The impact fee update process includes preparation of land use assumptions and development of impact fee eligible CIPs and associated CIP costs. The impact fee calculation is limited to project recommendations within the next 10 years that will serve projected growth. This report documents the calculation of the maximum allowable impact fee per equivalent service unit (ESU) based on the updated land use assumptions and water and wastewater CIPs from the City’s recent water and wastewater studies. The TLGC §395.014 allows for a credit equal to 50% of the total projected cost of implementing the CIP. This method was utilized for the impact fee calculation.

The impact fee update process includes workshops with the City’s appointed Capital Improvements Advisory Committee (CIAC) and City Council. The CIAC’s role includes reviewing the land use assumptions and impact fee CIPs and providing written comments on the proposed impact fees to the City Council. The City Council sets the impact fees to be collected.

Source of Impact Fee CIP Projects

With the exception of wastewater Project 5, all impact fee CIP projects identified in this impact fee update were developed as part of other City planning studies. More information about the source of the impact fee CIP projects is provided in **Section 3.2**.



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
CIP	Capital Improvements Plan
CIAC	Capital Improvements Advisory Committee
ESU	Equivalent Service Unit
FNI	Freese and Nichols, Inc.
gpm	Gallons per Minute
gpcd	Gallons per capita per day
MGD	Million Gallons per Day
OPCC	Opinion of Probable Construction Cost
TLGC	Texas Local Government Code



2.0 LAND USE ASSUMPTIONS

Population and projected land use are important elements in the analysis of water distribution and wastewater collection systems. In order to identify impact fee eligible water and wastewater capital projects, a reasonable estimation of 10-year growth is required. FNI worked with the City's Community Development and Engineering Departments and incorporated information from the City's Future Land Use Map (2021) and specific planned developments to document 10-year growth projections and land use assumptions during this study. Following this effort, FNI utilized the development projections to identify ongoing/recently completed and planned impact fee eligible improvement projects.

These land use assumptions were utilized to determine the 10-year ESU projections. An ESU is defined as the equivalent to a water or wastewater connection for a single-family residence.

2.1 IMPACT FEE SERVICE AREA

The service area for the 2023 water and wastewater impact fee update consists of the existing City limits and is shown on **Figure 2-1**. The water and wastewater impact fee service areas have the same boundaries and encompass approximately 21 square miles or 13,263 acres.

2.2 LAND USE ASSUMPTIONS UPDATE

FNI worked with the City to evaluate the historical population and develop population and commercial acreage projections within the water and wastewater impact fee service areas. A brief description of the methodology utilized is included in the following sections.

2.2.1 Historical Population

Historical population information for Friendswood's City limits was provided by the City and is summarized in **Table 2-1**. The City's population data shows that between 2013 and 2023, Friendswood experienced a 1.0% annual average growth in population.

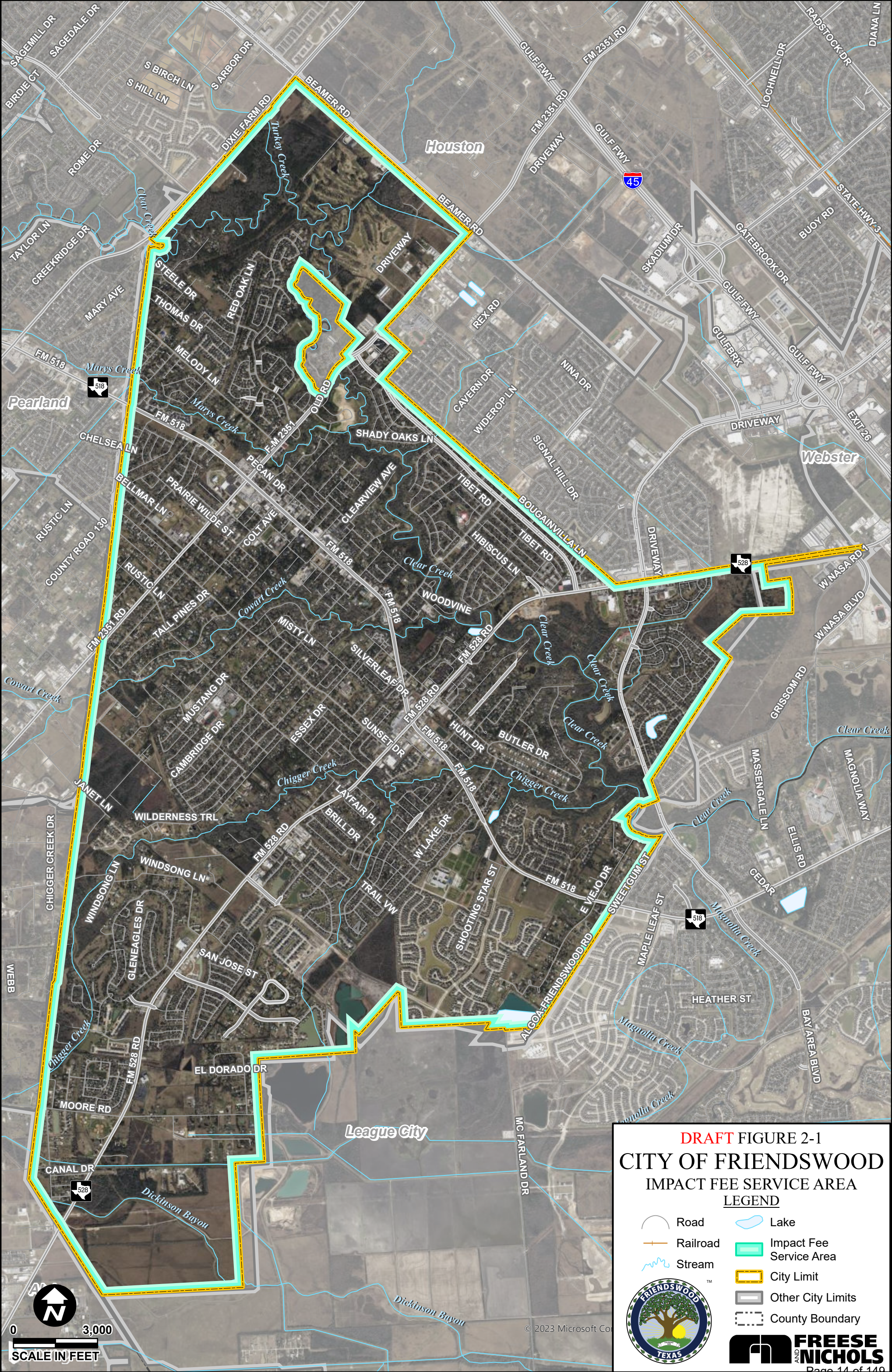




Table 2-1: Historical Population

Year	City Limits Population ⁽¹⁾	Annual Growth Rate
2013	38,479	-
2014	39,023	1.4%
2015	39,430	1.0%
2016	39,926	1.3%
2017	40,668	1.9%
2018	41,075	1.0%
2019	41,291	0.5%
2020	41,740	1.1%
2021	41,974	0.6%
2022	42,268	0.7%
2023	42,360	0.2%
Average Annual Growth Rate		1.0%

(1) Data provided by the City.

2.2.2 Population and Commercial Acreage Projections

FNI worked with the City's Community Development and Engineering Departments to develop population and commercial acreage projections within the water and wastewater impact fee service area. During this process the following information was utilized:

- Friendswood's Future Land Use Map (2021)
- Density and growth projection assumptions per future land use type from the City's Community Development Department
- Information on anticipated developments from the City's Community Development Department
- June 2023 parcel shapefiles from Galveston and Harris County Appraisal Districts
- Active water meter billing locations and consumption from March and April 2023
- *2021 Water System Improvements Report*

Utilizing the data sets listed above and in coordination with the City staff, FNI developed projections for the following categories of future growth:

Anticipated Developments

City staff identified areas where future residential and non-residential developments are anticipated to occur as well as an expected timeline for each development. Where available, the City supplied



development-specific information such as number of single-family lots, number of multi-family units, and commercial acreage. FNI utilized future land use information from the City's Future Land Use Map as shown on **Figure 2-2** and density assumptions for future land use types from the City's Community Development Department to calculate projected population and commercial acreage where projected number of unit were information was unavailable. The anticipated developments are shown on **Figure 2-3**. The growth projections for the anticipated future developments are included in **Appendix D**.

Infill Growth

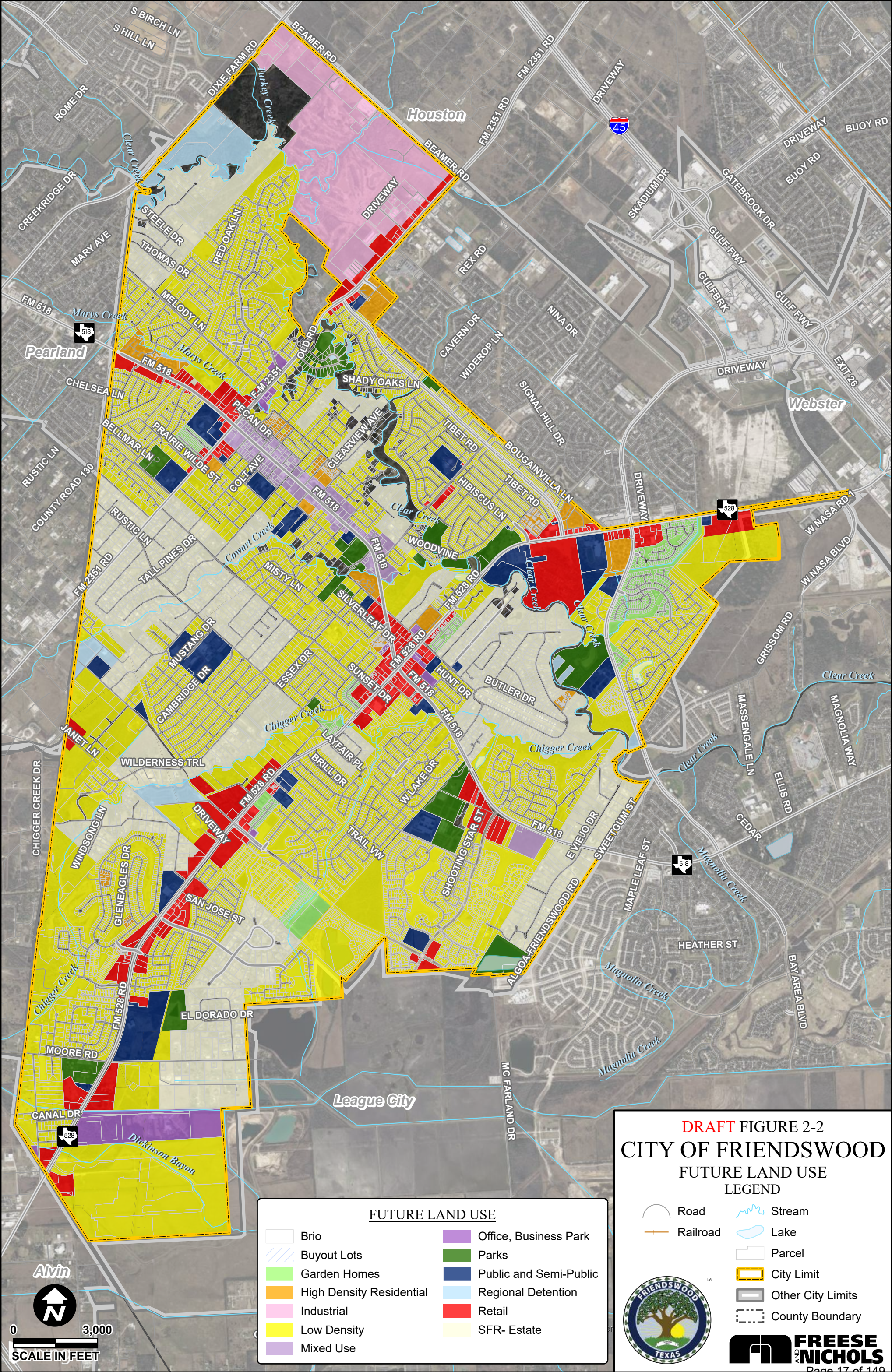
Outside of the known anticipated developments discussed above, FNI utilized active March/April 2023 water meter locations (spatially located by address) and the City's 2021 Future Land Use Map (**Figure 2-2**) to identify future developable areas. These areas included currently vacant parcels outside of the *anticipated developments* described above that are not within the *Parks, Regional Detention, or Buyout Lots* land use types per the Future Land Use Map, and primarily not within the 100-year floodplain. The vacant parcels that are anticipated to develop within the next 10 years were identified based on input from City staff and are shown in **purple** on **Figure 2-3**. Density and growth assumptions for these *infill parcels* were developed utilizing information from City staff and the Future Land Use Map land use and density assumptions. Density for future commercial acreage was developed based on review of existing commercial acreage, commercial type meters and meter sizes. **Table 2-2** summarizes the 10-year growth in population and commercial acreage. The 10-year population projections are graphed along with historical population data on **Figure 2-4**.

Note: Future infill and anticipated developments in the areas zoned 'Downtown District' or assigned a *Public or Semi-Public* land use type per the Future Plane Use Map were not included in the impact fee calculation as they are exempt from paying impact fees.

Table 2-2: Projected 10-Year City-Wide Growth

Year	Population ⁽¹⁾	Commercial Acreage
2023	42,360	562
2033	48,035	726
10-Year Growth	5,675	164

(1) Where unit projections were not available (for infill growth), population projection utilized following density assumptions per land use type: Low Density Residential = 2.7 units/acre, Single-Family Residential Estate = 0.5 units/acre.



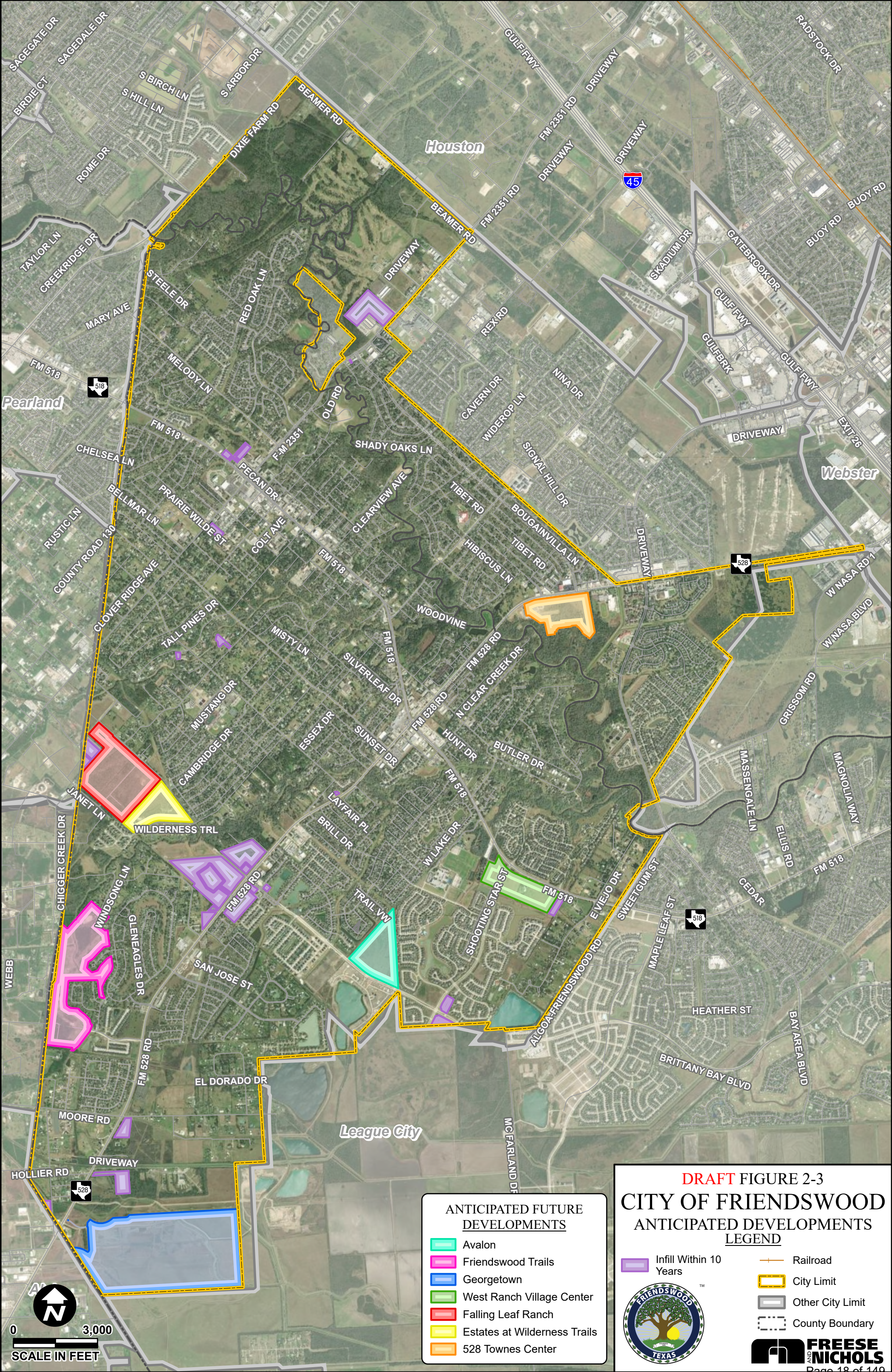
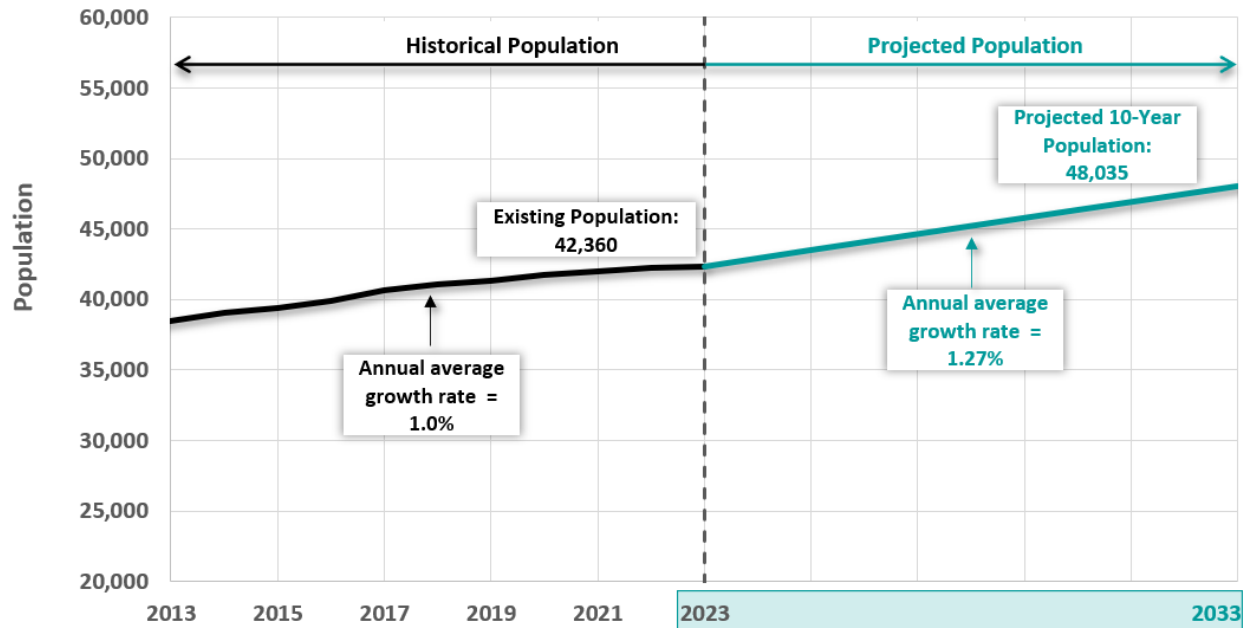




Figure 2-4: Historical and Projected 10-Year Population



2.3 EQUIVALENT SERVICE UNITS

According to TLGC Chapter 395, the maximum impact fee may not exceed the amount determined by dividing the cost of required capital improvements by the total number of service units attributed to new development during the impact fee eligibility period.

Definition of Equivalent Service Unit

A water service unit is defined as the service equivalent to a water connection for a single-family residence. The City of Friendswood utilizes 1-inch meters for single-family connections. For the impact fee calculation, all meters 1-inch and smaller equate to one ESU. The City bills wastewater services based on the customer's water consumption, as wastewater flows are not directly metered. Therefore, a single wastewater ESU is defined as the wastewater service provided to a single-family residence.

Calculation of ESUs

The water meter impact fee assessment method considers developments' impact on the water system by utilizing the safe maximum operating capacity of each meter to calculate ESUs for all water meters larger than 1-inch. The ESU is the ratio of the safe maximum operating capacity for the larger meter to the safe maximum operating capacity of a 1-inch meter.



The City of Friendswood utilizes Neptune MACH 10 ultrasonic water meters. Each water meter size has a safe maximum operating capacity as defined by the manufacturer. **Table 2-3** shows the safe maximum operating capacities for the water meter sizes utilized by the City of Friendswood, and the resulting ESUs.

Table 2-3: Equivalent Service Units

Water Meter Size	Safe Maximum Operating Capacity ⁽¹⁾ (gpm)	Equivalent Service Units ⁽²⁾
1"	55	1.0
1-1/2"	125	2.3
2"	160	2.9
3"	500	9.1
4"	1,250	22.7
6"	2,000	36.4
8"	4,000	72.7
10"	6,500	118.2
12"	8,000	145.5

(1) Safe maximum operating capacity based on water meter specifications for Neptune MACH 10 ultrasonic water meters.

(2) Equivalent service units are rounded to nearest single decimal point. 5/8-inch and 3/4-inch are assumed to be equivalent to one single family connection.

Projected 10-Year Service Units

The City provided data that included the quantity and size of the existing water meters in Friendswood. The 10-year growth projections for each meter size were calculated based on the growth in population and commercial acreage discussed in **Section 2.2**. **Table 2-4** shows the water service units for 2023 and 2033 and **Table 2-5** shows the wastewater service units for 2023 and 2033. It should be noted that a portion of the existing population currently utilize septic systems and are not served wastewater by the City. These customers are excluded from the existing wastewater service units shown in **Table 2-5**.

The service units for 2023 and 2033 were calculated by multiplying the number of meters of each meter size by the corresponding service unit equivalent (as shown in **Table 2-3**). The projected 10-year growth in service units is the difference between the service units in 2033 and 2023. A summary of the existing and projected ESUs is included in **Table 2-4**.



Table 2-4: Existing and Projected Water Service Units

Water Meter Size	Equivalent Service Units ⁽¹⁾	Existing 2023		Projected 2033		Projected 10-Year Growth in Service Units
		Meter Count ⁽²⁾	No. of Service Units	Meter Count	No. of Service Units	
1"	1.0	13,335	13,335	14,833	14,833	1,498
1-1/2"	2.3	147	338	175	403	65
2"	2.9	207	600	256	742	142
3"	9.1	22	200	28	255	55
4"	22.7	7	159	8	182	23
6"	36.4	2	73	3	109	36
8"	72.7	0	0	0	0	0
10"	118.2	0	0	0	0	0
12"	145.5	0	0	0	0	0
Total	-	13,720	14,705	15,303	16,524	1,819

(1) Equivalent service units calculated based on the safe maximum operating capacity of the water meter, as shown in **Table 2-3**.

(2) Existing meter count based on Friendswood's currently installed water meters, excluding irrigation meters.

Table 2-5: Existing and Projected Wastewater Service Units

Water Meter Size	Equivalent Service Units ⁽¹⁾	Existing 2023		Projected 2033		Projected 10-Year Growth in Service Units
		Meter Count ⁽²⁾	No. of Service Units	Meter Count	No. of Service Units	
1"	1.0	13,276	13,276	14,775	14,775	1,499
1-1/2"	2.3	142	327	170	391	64
2"	2.9	203	589	252	731	142
3"	9.1	22	200	28	255	55
4"	22.7	7	159	8	182	23
6"	36.4	2	73	3	109	36
8"	72.7	0	0	0	0	0
10"	118.2	0	0	0	0	0
12"	145.5	0	0	0	0	0
Total	-	13,652	14,624	15,235	16,443	1,819

(1) Equivalent service units calculated based on the safe maximum operating capacity of the water meter, as shown in **Table 2-3**.

(2) Existing meter count based on Friendswood's currently installed water meters, excluding irrigation meters and septic customers.



Table 2-6: Summary of Projected Water and Wastewater Service Units

Year	Water Service Units	Wastewater Service Units
2023 ⁽¹⁾	14,705	14,624
2033 ⁽²⁾	16,524	16,443
10-Year Growth in Service Units	1,819	1,819

(1) Existing water ESUs calculated based on historical water meter billing data, excluding irrigation meters. Existing wastewater ESUs calculated based on historical water meter billing data excluding irrigation meters and existing septic customers.

(2) 2033 ESUs calculated based on projected growth discussed in **Section 2.0**.



3.0 CAPITAL IMPROVEMENTS PLAN

3.1 WATER DEMAND AND WASTEWATER FLOW PROJECTIONS

FNI utilized data from the City's *2021 Water System Improvements Report* to develop existing and 10-year water demand projections, as shown in **Table 3-1**. Future wastewater flow projections were developed utilizing planning criteria from the *2023 Wastewater Hydraulic Modeling Study for Future Developments Report*. **Table 3-2** summarizes the projected 10-year wastewater flows. The planning criteria utilized for both water demand and wastewater flow projections are documented in the table footnotes.

Table 3-1: Projected Water Demands

Year	Average Daily Demand (MGD)	Maximum Daily Demand (MGD)
2023 ⁽¹⁾	5.9	11.2
2033 ⁽²⁾	6.7	12.9

(1) 2023 demands based on available historical water production data from 2018 to 2022.

(2) Projected 10-year demands calculated utilizing 140 gallons per capita per day (gpcd) for average day demand and 300 gpcd for maximum day demand based on the *2021 Water System Improvements Report*.

Table 3-2: Projected Wastewater Flows

Year	Average Daily Flow (MGD)
2023 ⁽¹⁾	3.0
2033 ⁽²⁾	3.5

(1) 2023 average daily flow based on available historical wastewater effluent data from 2018 to 2022.

(2) Projected 10-year flow calculated utilizing 250 gallons per ESU based on the *2023 Wastewater Hydraulic Modeling Study for Future Developments Report*.

3.2 WATER AND WASTEWATER SYSTEM IMPROVEMENTS

The impact fee eligible CIP projects were divided into two categories: **1)** Existing/Under Design Projects and **2)** Proposed Future Projects.

Existing/Under Design Projects

Existing and under design capital improvement projects that are projected to serve growth within the next 10 years are also considered impact fee eligible. These projects are shown in **orange** on **Figures 3-1** and **3-2**. As capital improvement projects in the plan are completed, planned costs are updated with actual



costs to reflect the capital expenditure of the program more accurately. FNI worked with City staff to document the costs of the existing/under design projects based on the City's latest information.

Proposed Future Projects

The future water and wastewater CIP projects that are projected to serve growth are shown in **Table 3-3**. With the exception of wastewater **Project 5**, all future projects identified in this impact fee update were developed as part of other previous City planning studies. FNI worked with the City to identify planned water and wastewater capacity improvements from previous studies that would serve the anticipated growth areas documented in **Section 2.0**. Proposed future water projects are shown in **blue** and proposed future wastewater projects are shown in **green** on **Figures 3-1** and **3-2**, respectively.

FNI developed an opinion of probable construction cost (OPCC) for wastewater **Project 5** based on previous similar engineering experience in 2023 dollars, including allowances for engineering, surveying, and contingencies. Costs for the remaining projects were developed as part of the City's previous planning studies. Projects from the *2021 Water System Improvements Study* were escalated to 2023 dollars. OPCCs for all proposed future water and wastewater projects are included in **Appendix B** and **Appendix C**, respectively.

Table 3-3: Sources of Water and Wastewater CIP Projects

Project Source	Water CIP Project(s)	Wastewater CIP Project(s)	Notes
2021 Water System Improvements Study (WSI)	1, 2, 3, 4, 5, 6	2, 3, 4, 7	It is FNI's understanding that wastewater projects 2, 3, 4, and 7 were originally developed as part of the City's <i>2008 Utility Master Plan</i> and that project extents and/or costs were modified during the 2021 WSI study. FNI escalated the project costs to 2023 dollars.
2023 Wastewater Hydraulic Modeling Study for Future Developments	-	1, 6	
Freese and Nichols, Inc. <i>As part of this impact fee study</i>	-	5	Project to serve the proposed development at 528 Townes Center. FNI worked with the City to size and develop this project as it was outside the study area of the 2023 Wastewater Hydraulic Modeling Study.



All impact fee eligible water CIP projects are shown on **Figure 3-1** and in **Table 3-1**, and all impact fee eligible wastewater CIP projects are shown on **Figure 3-2** and in **Table 3-2**.

Table 3-4: Water Capital Improvements Plan Summary

Project Type	Impact Fee Eligible CIP No.	Description of Project	Total Capital Cost ⁽¹⁾ (2023 Dollars)
Existing/Under Design Projects	A	42-Inch Southeast Water Line Cost Share Phase 1-3	\$20,129,128
	B	Friendswood Parkway Water/Wastewater Utilities	\$262,330
	C	New 24-inch Clear Creek Crossing Water Line	\$2,439,959
	D	2023 Water and Wastewater Impact Fee Study	\$37,500
	Existing/Under Design Projects Subtotal		\$22,868,917
Proposed Future Projects	1	New 16-inch Water Line along Falling Leaf Lane and Baker Road South (Friendswood Parkway/Exxon)	\$5,098,500
	2	New 12-inch Water Line along San Joaquin Parkway (Georgetown East Loop)	\$3,311,000
	3	New 24-inch Water Line from Friendswood Drive to GWP 5 and EST 1	\$10,782,200
	4	New 12-inch Water Line from Inverness Street to Baker Road	\$1,085,700
	5	New 12-inch Water Line along Friendswood Drive from West Heritage Drive to West Ranch Drive	\$6,268,900
	6	New 12-inch Water Line from FM 528 to Sterling Creek Drive (Sand Pit Road)	\$467,500
	Proposed Future Projects Subtotal		\$27,013,800
	Total Impact Fee Eligible Water Capital Improvement Project Costs		\$49,882,717

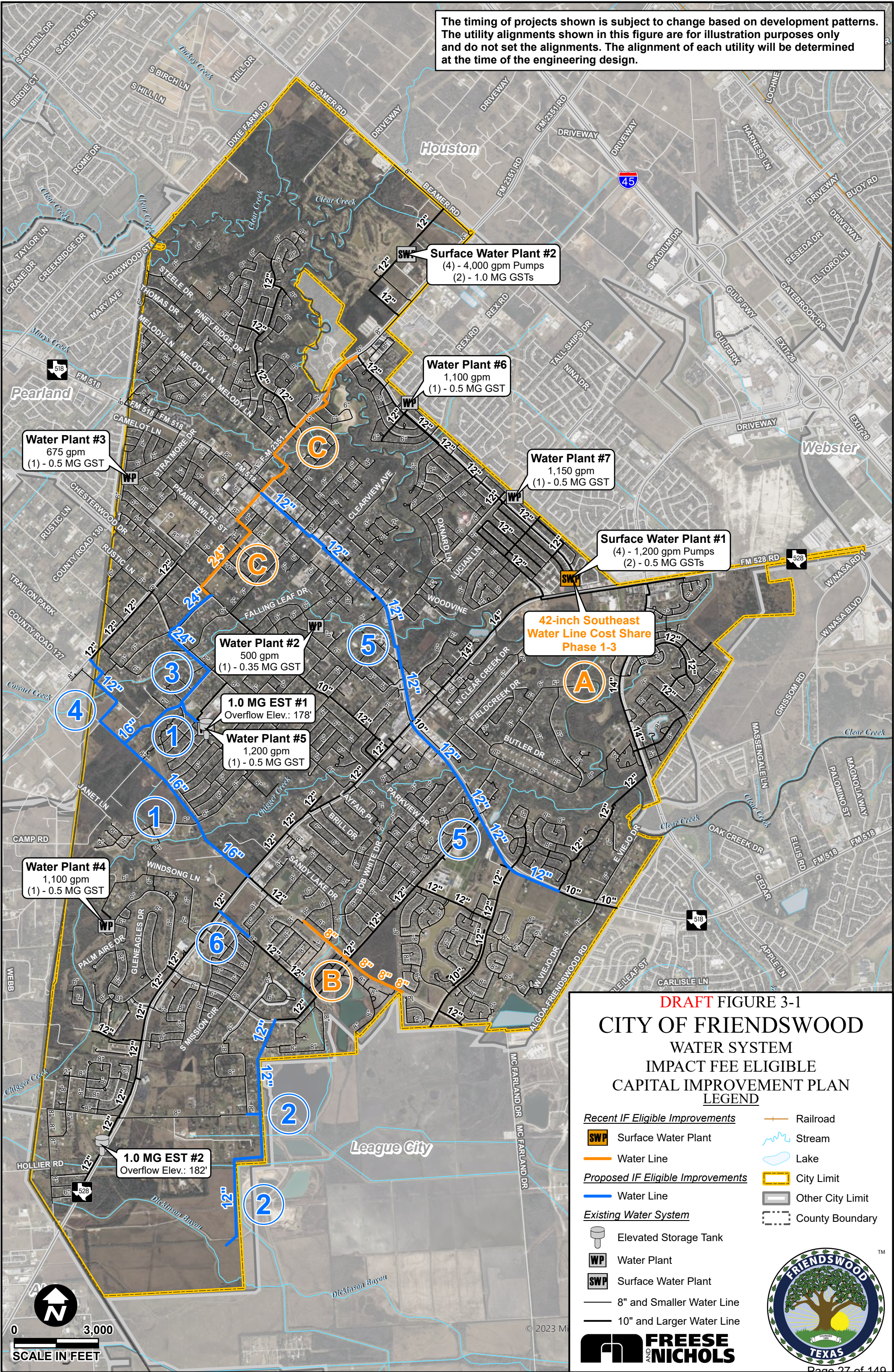
(1) Costs for proposed future projects are based on the *2021 Water System Improvements Report* and were inflated from 2022 to 2023 dollars utilizing a 10% inflation rate.

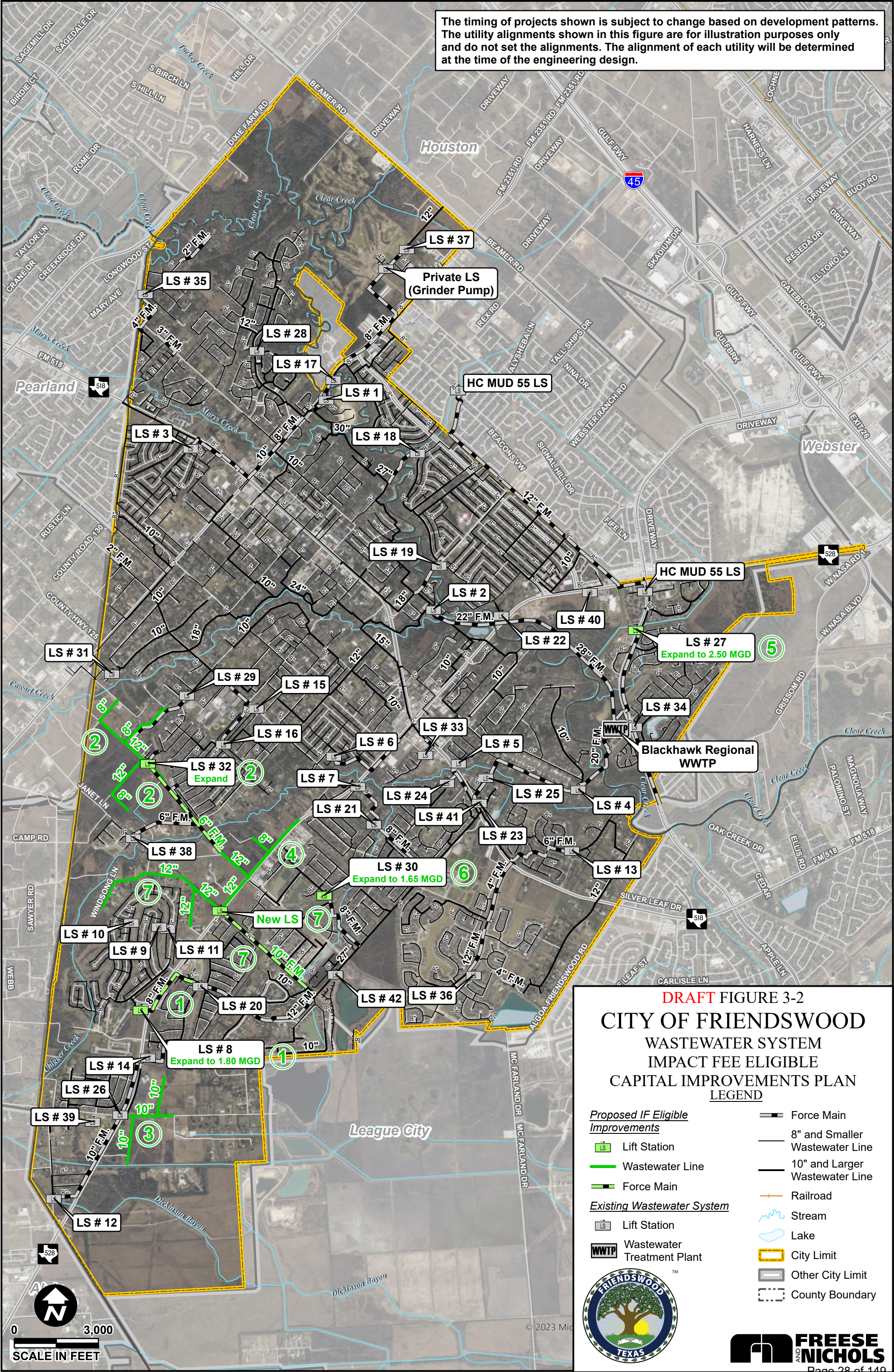


Table 3-5: Wastewater Capital Improvements Plan Summary

Project Type	Impact Fee Eligible CIP No.	Description of Project	Total Capital Cost ⁽¹⁾ (2023 Dollars)
Existing/Under Design Projects	A	2023 Water and Wastewater Impact Fee Study	\$37,500
	Existing/Under Design Projects Subtotal		\$37,500
Proposed Future Projects	1	Upsizing Lift Station 8 and Force Main	\$2,569,800
	2	Baker Road, Falling Leaf, Stable Sanitary Sewer	\$4,263,490
	3	El Dorado/Lundy Lane Sanitary Sewer West	\$1,097,800
	4	FM 528 - Falcon Ridge to Windsong Sanitary Sewer	\$1,576,410
	5	Upsizing Lift Station 27	\$3,783,000
	6	Upsizing Lift Station 30	\$1,845,500
	7	Windsong Lane Sanitary Sewer	\$4,415,180
	Proposed Future Projects Subtotal		\$19,551,180
Total Impact Fee Eligible Wastewater Capital Improvement Project Costs			\$19,588,680

(1) Costs for projects 1 and 6 are based on the 2023 *Wastewater Hydraulic Modeling Study for Future Developments*. Costs for projects 2, 3, 4, and 7 are based on the 2021 *Water System Improvements Report* and were inflated from 2022 to 2023 dollars utilizing a 10% inflation rate. Costs for Project 5 were developed by FNI based on previous similar engineering experience.







4.0 WATER AND WASTEWATER IMPACT FEE ANALYSIS

The water and wastewater impact fee analyses involve assessing the utilization of existing and proposed projects within the impact fee eligible capital improvement plans (**Section 3.0**) required to serve new development over the next 10-year time period. For these projects, the impact fee is calculated as a percentage of the project cost, based upon the percentage of the project's capacity to serve development projected to occur between 2023 and 2033. The capacity serving existing development and development projected to occur beyond the 10-year period is not impact fee eligible.

4.1 WATER AND WASTEWATER CAPACITY ANALYSIS

FNI assessed the impact fee eligible water and wastewater projects to quantify the portion of the projects that are projected to be utilized within the next 10 years. The 10-year utilization is the percentage of the project cost that is impact fee eligible.

Summaries of the water and wastewater costs for infrastructure to serve the projected 10-year growth are shown in **Table 4-1** and **Table 4-2**, respectively. The percent utilization columns in the tables are defined as follows:

- The **2023 Percent Utilization** is the portion of the project's capacity that serves existing development and is therefore not included in the impact fee eligible cost.
- The **2033 Percent Utilization** is the portion of the project's capacity that is projected to be utilized by 2033.
- The **2023 to 2033 Percent Utilization** is the portion of the project's capacity that is projected to serve the 10-year growth. This percentage is multiplied by the total project cost to calculate the impact fee eligible portion of the project.

The **10-year Impact Fee Eligible Cost** column is the portion of the capital project cost that is utilized in the calculation of the maximum allowable impact fee.



Table 4-1: Cost Allocation for Water Impact Fee Calculation

Water Project No.		Description of Project	Percent Utilization			10-Year Impact Fee Eligible Cost ⁽¹⁾ (2023-2033)
			2023 ⁽¹⁾	2033	2023-2033	
Existing/Under Design Projects	A	42" Southeast Water Line Cost Share Phase 1-3	75%	85%	10%	\$2,012,912
	B	Friendswood Parkway Water/Wastewater Utilities	75%	95%	20%	\$52,465
	C	New 24-inch Clear Creek Crossing Water Line	80%	90%	10%	\$243,995
	D	2023 Water and Wastewater Impact Fee Study	0%	100%	100%	\$37,500
	Existing/Under Design Projects Subtotal					\$2,346,872
Proposed Future Projects	1	New 16-inch Water Line along Falling Leaf Lane and Baker Road South (Friendswood Parkway/Exxon)	55%	70%	15%	\$1,201,482
	2	New 12-inch Water Line along San Joaquin Parkway (Georgetown East Loop)	50%	75%	25%	\$970,392
	3	New 24-inch Water Line from Friendswood Drive to GWP 5 and EST 1	60%	80%	20%	\$2,407,665
	4	New 12-inch Water Line from Inverness Street to Baker Road	95%	100%	5%	\$85,283
	5	New 12-inch Water Line along Friendswood Drive from West Heritage Drive to West Ranch Drive	80%	90%	10%	\$1,034,104
	6	New 12-inch Water Line from FM 528 to Sterling Creek Drive (Sand Pit Road)	85%	90%	5%	\$36,722
	Proposed Future Projects Subtotal ⁽¹⁾					\$5,735,648
Total 10-Year Impact Fee Eligible Water Capital Improvement Project Costs						\$8,082,520

(1) Proposed future project costs include 1.5% legal fees and annual inflation based on the projected future start year of the project. Costs were escalated by 10% from 2023 to 2024, and 5% annually thereafter up to the projected start year of the project.



Table 4-2: Cost Allocation for Wastewater Impact Fee Calculation

Water Project No.		Description of Project	Percent Utilization			10-Year Impact Fee Eligible Cost (2023-2033)
			2023 ⁽¹⁾	2033	2023-2033	
Existing/Under Design Projects	A	2023 Water and Wastewater Impact Fee Study	0%	100%	100%	\$37,500
	Existing/Under Design Projects Subtotal					\$37,500
Proposed Future Projects	1	Upsizing Lift Station 8 and Force Main	70%	95%	25%	\$717,295
	2	Baker Road, Falling Leaf, Stable Sanitary Sewer	0%	5%	5%	\$275,525
	3	El Dorado/Lundy Lane Sanitary Sewer West	0%	5%	5%	\$67,566
	4	FM 528 - Falcon Ridge to Windsong Sanitary Sewer	0%	25%	25%	\$509,372
	5	Upsizing Lift Station 27	80%	100%	20%	\$844,743
	6	Upsizing Lift Station 30	95%	100%	5%	\$119,264
	7	Windsong Lane Sanitary Sewer	85%	95%	10%	\$570,656
	Proposed Future Projects Subtotal ⁽¹⁾					\$3,104,421
Total 10-Year Impact Fee Eligible Wastewater Capital Improvement Project Costs						\$3,141,921

(1) Proposed future project costs include 1.5% legal fees and annual inflation based on the projected future start year of the project. Costs were escalated by 10% from 2023 to 2024, and 5% annually thereafter up to the projected start year of the project.



4.2 MAXIMUM ALLOWABLE IMPACT FEE CALCULATIONS

TLGC Chapter 395 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 (2023 – 2033). TLGC provides two options for calculating water and wastewater impact fees. A City may utilize:

- §395.014(a)(7)(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”
- §395.014(a)(7)(B) “in the alternative, a credit equal to 50 percent of the total projected cost of implementing the capital improvements plan.”

The City of Friendswood has elected the 50% credit option. The City has been utilizing this method since Friendswood first adopted water and wastewater impact fees in 1990. The 2023 maximum allowable water and wastewater impact fees for the City of Friendswood are calculated in **Section 4.2.1** and **Section 4.2.2** respectively.



4.2.1 Maximum Allowable Water Impact Fee

The total maximum allowable water impact fee calculation is summarized in **Table 4-3**. The total eligible impact fee costs are the portion of the capital improvement costs for water projects that will serve the projected 10-year developments and include financing costs for debt service.

Table 4-3: Maximum Allowable Water Impact Fee

2023 Water Impact Fee Calculation	
Total Eligible Impact Fee Costs ⁽¹⁾	\$13,540,236
50% Credit	\$6,770,118
Total Eligible Impact Fee Costs with 50% Credit Applied ①	\$6,770,118
10-Year Growth in Service Unit Equivalents ②	1,819
Maximum Allowable Water Impact Fee ① ÷ ②	\$3,721

(1) Includes financing costs for debt service.

4.2.2 Maximum Allowable Wastewater Impact Fee

The total maximum allowable wastewater impact fee calculation is summarized in **Table 4-4**. The total eligible impact fee costs are the portion of the capital improvement costs for wastewater projects that will serve the projected 10-year developments and include financing costs for debt service.

Table 4-4: Maximum Allowable Wastewater Impact Fee

2023 Wastewater Impact Fee Calculation	
Total Eligible Impact Fee Costs ⁽¹⁾	\$6,095,911
50% Credit	\$3,047,956
Total Eligible Impact Fee Costs with 50% Credit Applied ①	\$3,047,955
10-Year Growth in Service Unit Equivalents ②	1,818
Maximum Allowable Wastewater Impact Fee ① ÷ ②	\$1,676

(1) Includes financing costs for debt service.



4.2.3 Schedule of Maximum Allowable Water and Wastewater Impact Fees

Table 4-5 shows the schedule of 2023 maximum allowable water and wastewater impact fees by water meter size, based on the service unit equivalents discussed in **Section 2.3**.

Table 4-5: Schedule of Max Allowable Water and Wastewater Impact Fees by Meter Size

Meter Size	Service Unit Equivalents ⁽¹⁾	Maximum Allowable Impact Fees		
		Water	Wastewater	Total
1"	1	\$3,721	\$1,676	\$5,397
1-1/2"	2.3	\$8,558	\$3,854	\$12,412
2"	2.9	\$10,790	\$4,860	\$15,650
3"	9.1	\$33,861	\$15,251	\$49,112
4"	22.7	\$84,466	\$38,045	\$122,511
6"	36.4	\$135,444	\$61,006	\$196,450
8"	72.7	\$270,516	\$121,845	\$392,361
10"	118.2	\$439,822	\$198,103	\$637,925
12"	145.5	\$541,405	\$243,858	\$785,263

(1) Service unit equivalents are rounded down to nearest single decimal point.

4.2.4 Administrative Items

Below are administrative items related to water and wastewater impact fees, as noted in the *2018 Water and Wastewater Impact Fee Update Report*:

- The impact fee will be assessed (subject to future updates) at the time that a plat is filed (where applicable), and collected during the building permit process, as identified in the impact fee legislation.
- Parks and temporary construction trailers will not be assessed any impact fees.
- Houses and businesses obtaining additional meter(s) for fire line or lawn irrigation purposes only will not pay the impact fee associated with water or wastewater.
- The Architect or Engineer for the Owner will size the water meter for the development based on industry standards.



- Governmental buildings will not pay the water and wastewater impact fees based on the proposed assessment method.
- Schools are exempt from payment of impact fees unless the board of trustees consents to a specific agreement in accordance with Chapter 395, Local Government Code.
- When an existing water meter is changed out, additional impact fees will only be assessed if the meter size is increased. The fee will be based on the incremental increase in the Service Units.
- When meters are changed out for the same size meter or a smaller meter, no Impact Fee will be assessed.
- If an existing home is currently on a private well and/or septic system, and public water or wastewater become available:
 - If the homeowner connects within 1 year of the installation of the City services, they will not have to pay impact fees.
 - If the homeowner has not connected to City services within 1 year, they will pay the full impact fee at the time of their connection.
- Impact fees do not include tap or meter fees; these regulations do not waive any tap or meter fees.



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 is scheduled to be held on January 8, 2024 at the City of Friendswood City Hall. The public hearing date is set by Council and advertised at least 30 days prior to the public hearing.

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.



APPENDIX A

Chapter 395, Texas Local Government Code

**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
Water Impact Fee Eligible CIP
Opinions of Probable Construction Costs



Project 4: Friendswood Parkway/Exxon

Project Description

This project includes installation of a new 16-inch water main. The new water line will connect to an existing 8-inch and 12-inch main near EST 1 and extend along Falling Leaf Lane and connects to the proposed 12-inch line installed as part of Project 8. The water line then follows Baker Road South until connecting to an existing 12-inch water line at FM 548.

Justification

The 16-inch water line will serve adjacent developments and increase transmission capacity to the western edge of the service area.

Unintended Consequences

None identified.

Special Considerations

TxDOT coordination and right-of-way/easement acquisition will likely be necessary for this water line. Portions of the alignment where the main will cross West Edgewood Drive at Del Monte Drive and West Parkwood Avenue at Friendswood Lakes Boulevard may need to be revised during detailed design based on right-of-way and roadway alignments.

Portions of the Chigger Creek crossing may need to be revised during detailed design based on high flow events and seasonal flow patterns within Chigger Creek to determine proper pipe placement based on frequency and magnitude of such events.

This project is needed to serve future growth and will be developer funded.

Potential Alternatives

None identified.

Additional Professional Services

None identified.

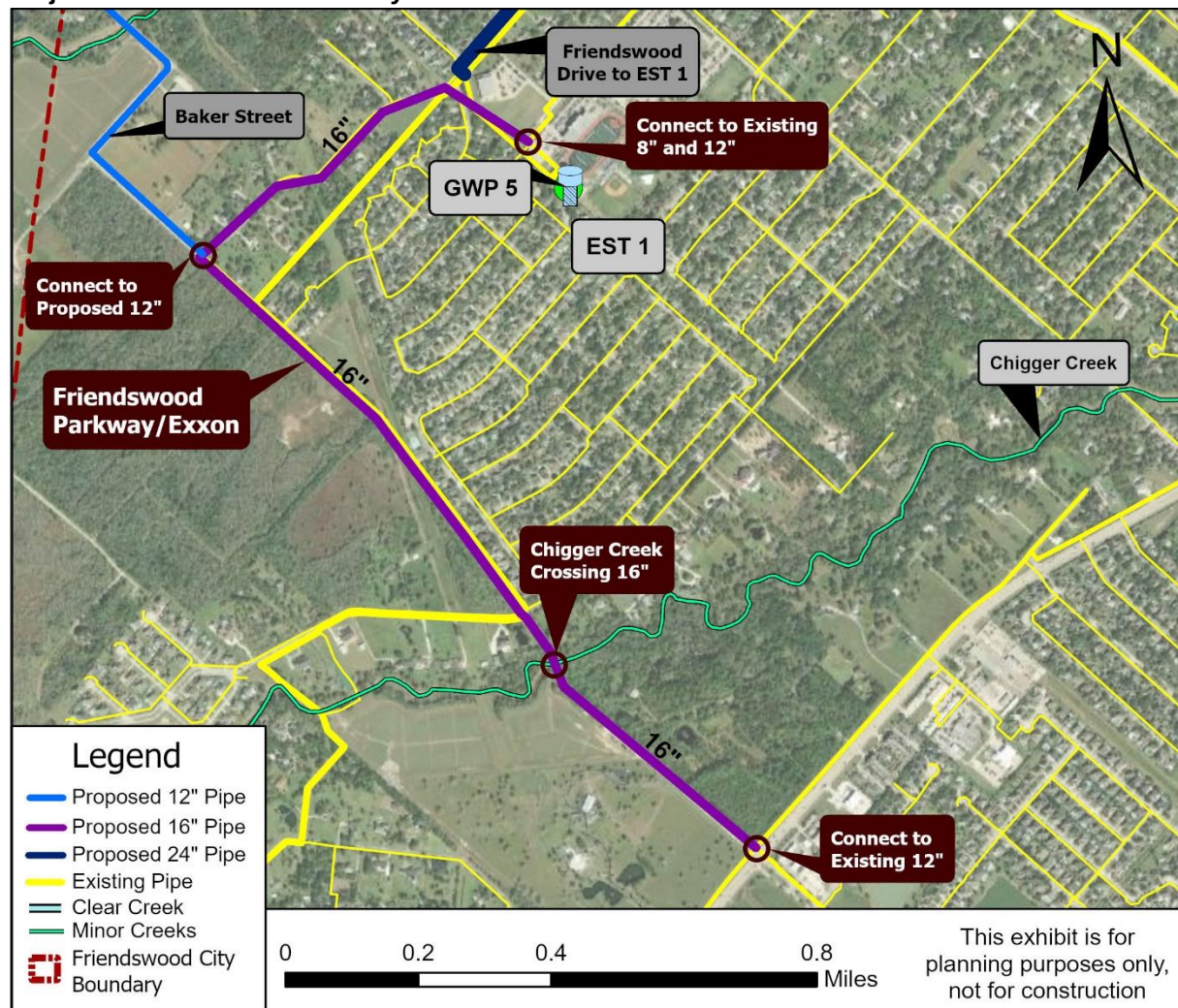
Project Identification		
Number:	4	
Location:	Friendswood Lakes Boulevard	
Flexibility:	High	
Schedule		
Primary Trigger:	Growth	
Secondary Trigger:	Operational	
Capacity Threshold:	N/A	
Threshold Year:	2032	
Start Date:	1/1/2030	
Project Complete:	2031	
Project Implementation (Months)		
Predesign:	3	
Engineering/Design:	9	
Bid/Construction:	12	
Total Project Duration:	24	
	2022 Costs (\$ Millions)	Forecasted Costs (\$ Millions)
Construction	\$4.03	\$5.26
Professional Services	\$0.61	\$0.77
Total Project Cost	\$4.64	\$6.03



Project 4: Friendswood Parkway/Exxon				
Diameter (in)	Description	Unit Cost (\$/LF)	Length (LF)	Cost ¹
16	Pipe Installation	\$305	9,701	\$ 2,959,000
16	Chigger Creek Crossing Pipe Installation	\$310	40	\$ 25,000
Subtotal				\$ 2,984,000
Miscellaneous Construction (5%)				\$ 150,000
Contingency (30%)				\$ 896,000
Professional Services				\$ 605,000
OPCC				\$ 4,635,000

¹All cost values have been rounded up the nearest \$1,000

Project 4: Friendswood Parkway/Exxon





Project 5: Georgetown East Loop

Project Description

This project includes installation of a new 12-inch water line from the existing 12-inch water line along San Joaquin Parkway south along the county border until connecting with the 12-inch line installed as part of Project 3. The new water line will also connect to an existing 8-inch water line at Lundy Lane.

Justification

The new water line will serve the second phase of the proposed Georgetown development and complete the 12-inch loop started as part of Project 3 from EST 2 to the eastern boundary of the water service area.

Unintended Consequences

None identified.

Special Considerations

Portions of the channel crossings may need to be revised during detailed design based on high flow events and seasonal flow patterns to determine proper pipe placement based on frequency and magnitude of such events.

This project is needed to serve future growth and will be developer funded.

Potential Alternatives

None identified.

Additional Professional Services

A routing study is anticipated to determine the preferred alignment for this project.

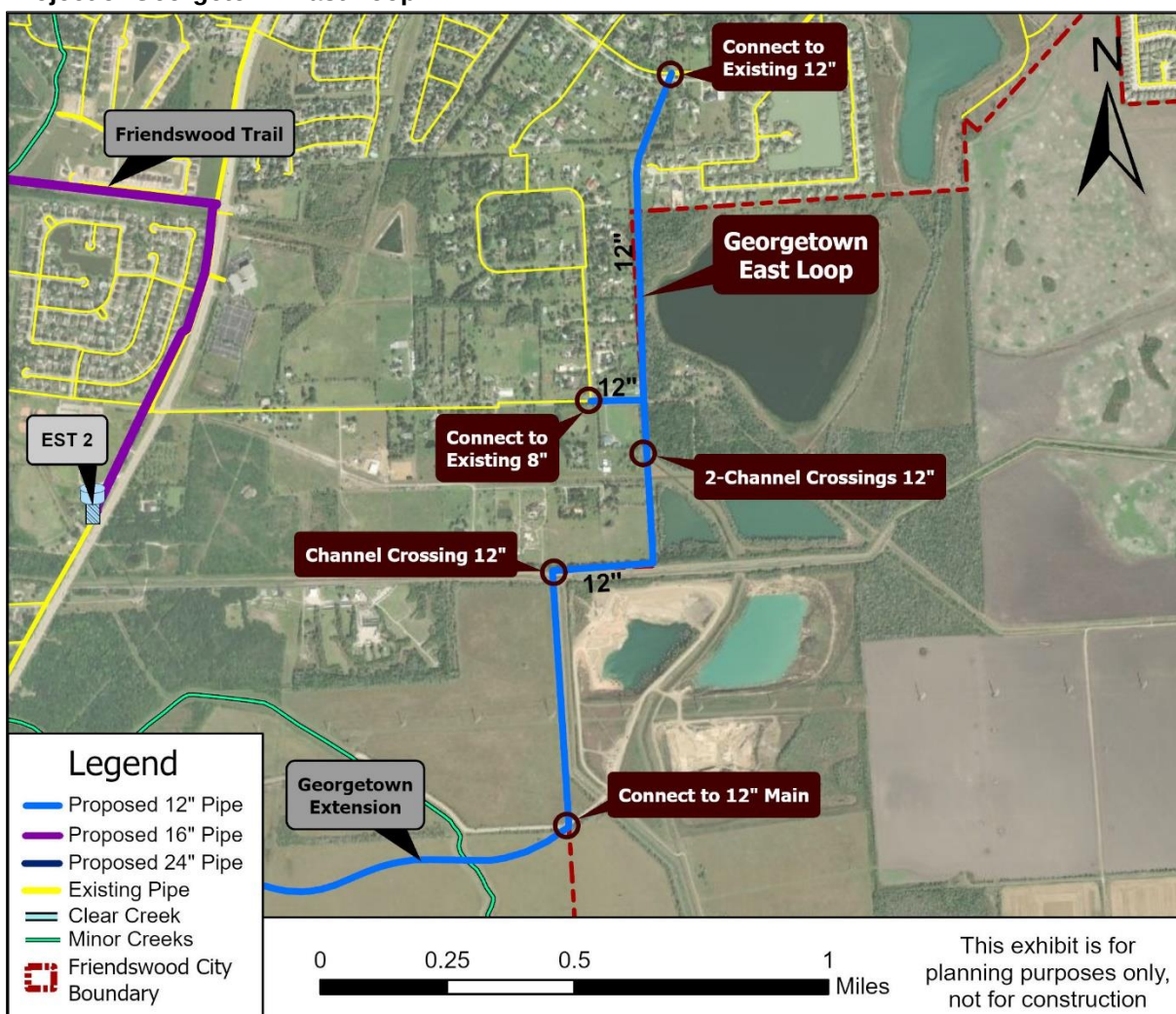
Project Identification		
Number:	5	
Location:	South of San Joaquin Parkway	
Flexibility:	Medium	
Schedule		
Primary Trigger:	Growth	
Secondary Trigger:	Capacity	
Capacity Threshold:	12 MGD	
Threshold Year:	2027	
Start Date:	1/1/2024	
Project Complete:	2025	
Project Implementation (Months)		
Predesign:	3	
Engineering/Design:	9	
Bid/Construction:	12	
Total Project Duration:	24	
	2022 Costs (\$ Millions)	Forecasted Costs (\$ Millions)
Construction	\$2.62	\$2.86
Professional Services	\$0.39	\$0.42
Total Project Cost	\$3.01	\$3.28



Project 5: Georgetown East Loop				
Diameter (in)	Description	Unit Cost (\$/LF)	Length (LF)	Cost ¹
12	Pipe Installation	\$195	9,938	\$ 1,938,000
Subtotal				\$ 1,938,000
Miscellaneous Construction (5%)				\$ 97,000
Contingency (30%)				\$ 582,000
Professional Services				\$ 393,000
OPCC				\$ 3,010,000

¹All cost values have been rounded up the nearest \$1,000

Project 5: Georgetown East Loop





Project 6: Friendswood Drive to EST 1

Project Description

This project includes replacing the existing 16-inch main from North Friendswood Drive south to Falling Leaf Court where it connects to an existing 12-inch line that feeds into both GWP 5 and EST 1. The new 24-inch line will also connect with the southern portion of 24-inch line installed as part of Project 1 and the western portion of Project 9 near the intersection of South Friendswood Drive and East Heritage Drive.

Justification

Head losses in the existing 16-inch transmission main between SWP 2 and EST 1 currently limit the supply available from SWP 2 without increasing customer pressures above 80 psi. This project will resolve the existing system transmission main capacity deficiency and provide capacity to meet the projected buildout system demands.

Unintended Consequences

None identified.

Special Considerations

Portions of the Cowart Creek crossing and the channel crossing may need to be revised during detailed design based on high flow events and seasonal flow patterns to determine proper pipe placement based on frequency and magnitude of such events.

Potential Alternatives

Alternative alignments could be selected for Projects 1 and 6 provided that there is a dedicated 24-inch line between SWP 2 and EST 1.

Additional Professional Services

A routing study is anticipated to determine the preferred alignment for Projects 1 and 6.

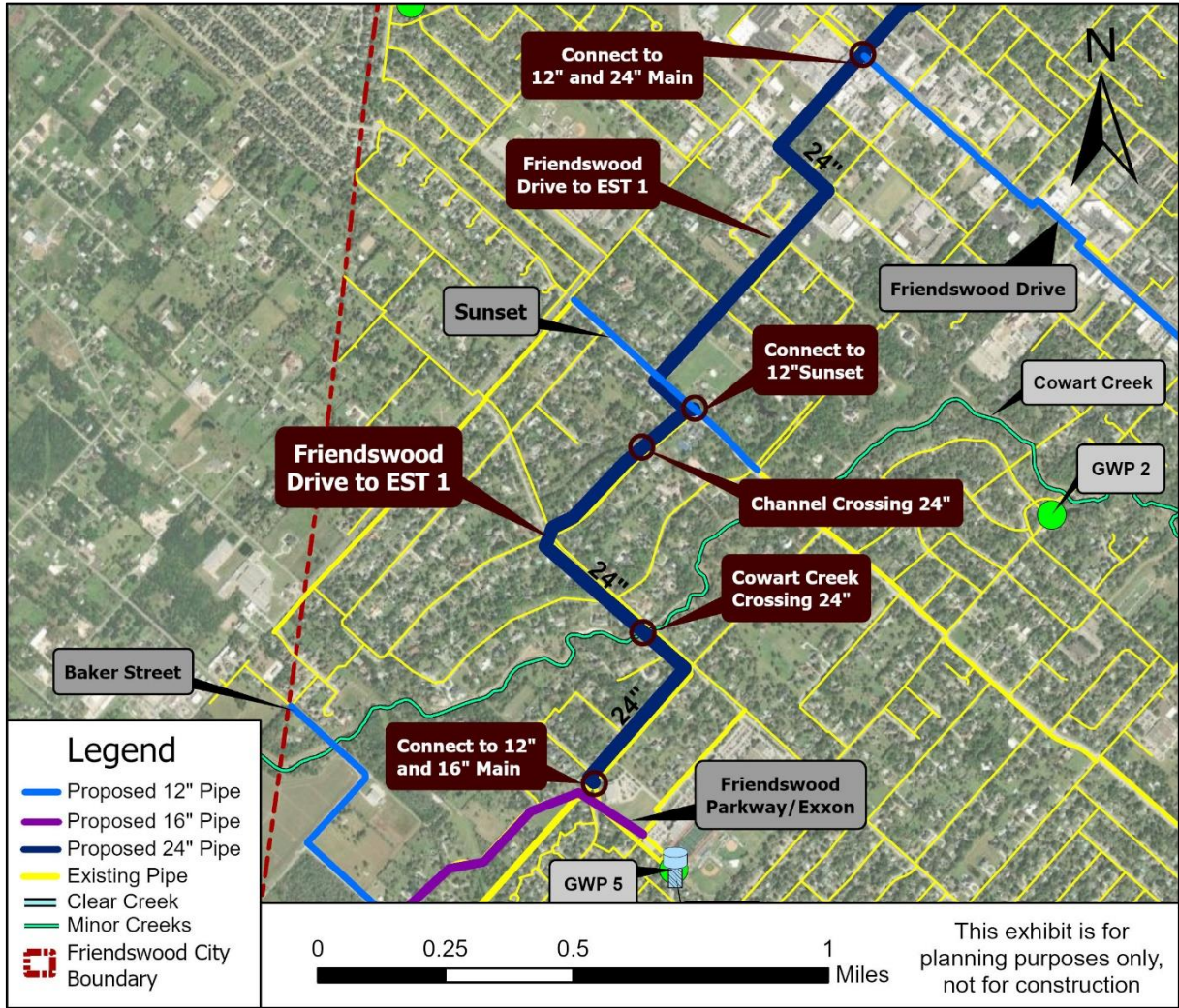
Project Identification		
Number:	6	
Location:	Edgewood Drive	
Flexibility:	Medium	
Schedule		
Primary Trigger:	Capacity	
Secondary Trigger:	Growth	
Capacity Threshold:	10 MGD	
Threshold Year:	2022	
Start Date:	1/1/2023	
Project Complete:	2025	
Project Implementation (Months)		
Predesign:	3	
Engineering/Design:	12	
Bid/Construction:	18	
Total Project Duration:	33	
	2022 Costs (\$ Millions)	Forecasted Costs (\$ Millions)
Construction	\$8.52	\$9.04
Professional Services	\$1.28	\$1.32
Total Project Cost	\$9.80	\$10.36



Project 6: Friendswood Dr to EST 1				
Diameter (in)	Description	Unit Cost (\$/LF)	Length (LF)	Cost ¹
24	Pipe Installation	\$585	10,668	\$ 6,241,000
24	Clear Creek Crossing Pipe Installation	\$1,170	61	\$ 72,000
Subtotal				\$ 6,313,000
Miscellaneous Construction (5%)				\$ 316,000
Contingency (30%)				\$ 1,894,000
Professional Services				\$ 1,279,000
OPCC				\$ 9,802,000

¹All cost values have been rounded up the nearest \$1,000

Project 6: Friendswood Drive to EST 1





Project 8: Baker Street

Project Description

This project includes installation of a new 12-inch water main. The new water line will connect to an existing 12-inch main at Inverness Street and Hastings Friendswood Road South and extend southwest along Baker Road and Stonewall Pass Road where it connects to the proposed 16-inch water line installed as part of Project 4.

Justification

The 12-inch water line will serve adjacent developments and increase transmission capacity to the western edge of the service area.

Unintended Consequences

None identified.

Special Considerations

Portions of the Cowart Creek crossing may need to be revised during detailed design based on high flow events and seasonal flow patterns within Cowart Creek to determine proper pipe placement based on frequency and magnitude of such events.

Potential Alternatives

None identified.

Additional Professional Services

None identified.

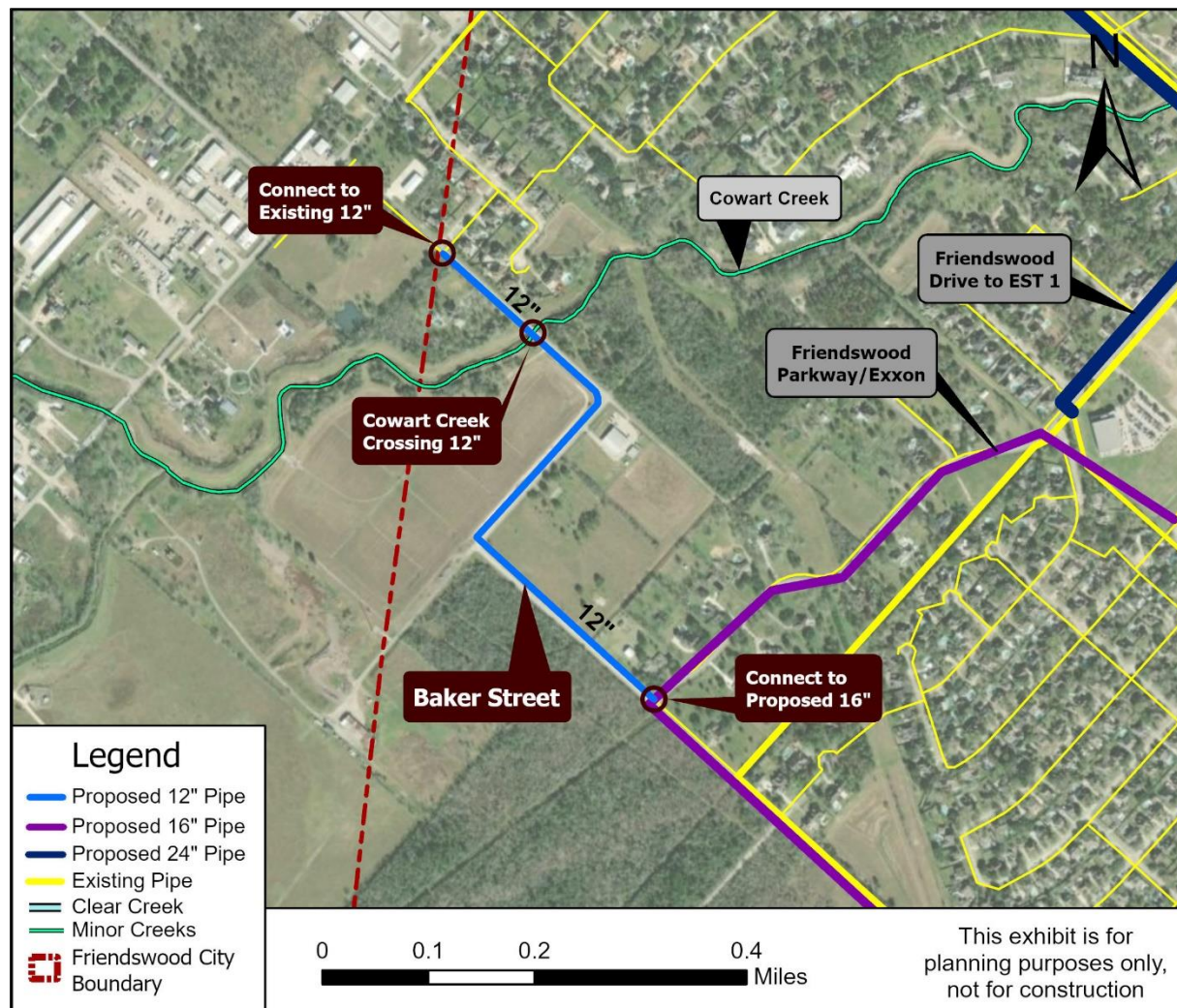
Project Identification		
Number:	8	
Location:	Baker Street and Stonewall Pass	
Flexibility:	High	
Schedule		
Primary Trigger:	Operational	
Secondary Trigger:	None	
Capacity Threshold:	N/A	
Threshold Year:	2032	
Start Date:	1/1/20300	
Project Complete:	2031	
Project Implementation (Months)		
Predesign:	3	
Engineering/Design:	9	
Bid/Construction:	12	
Total Project Duration:	24	
	2022 Costs (\$ Millions)	Forecasted Costs (\$ Millions)
Construction	\$0.86	\$1.12
Professional Services	\$0.13	\$0.16
Total Project Cost	\$0.99	\$1.28



Project 8: Baker Street				
Diameter (in)	Description	Unit Cost (\$/LF)	Length (LF)	Cost ¹
12	Pipe Installation	\$195	3,112	\$ 607,000
12	Cowart Creek Crossing Pipe Installation	\$390	70	\$ 28,000
Subtotal				\$ 635,000
Miscellaneous Construction (5%)				\$ 32,000
Contingency (30%)				\$ 191,000
Professional Services				\$ 129,000
OPCC				\$ 987,000

¹All cost values have been rounded up the nearest \$1,000

Project 8: Baker Street





Project 9: Friendswood Drive

Project Description

This project will replace the existing 10-inch main with a new 12-inch water line along South Friendswood Drive. The installed water line will connect to the proposed 24" water line installed as part of Project 6 at West Heritage Drive and South Friendswood Drive and continues southeast along South Friendswood Drive until connecting to an existing 10-inch and 12-inch water line at West Ranch Drive. At the intersection of West Heritage Drive and South Friendswood Drive it will connect with the new 24-inch main installed as part of Project 10.

Justification

The increase in size of the existing water line will allow for greater transmission capacity in the area.

Unintended Consequences

None identified.

Special Considerations

TxDOT coordination and right-of-way/easement acquisition will likely be necessary for this water line. Portions of the alignment along South Friendswood Drive from West Heritage Drive to Whispering Pines Avenue and where the new main will cross East Parkwood Drive may need to be revised during detailed design based on right-of-way and roadway alignments.

Portions of the Cowart Creek and/or Chigger Creek crossings may need to be revised during detailed design based on high flow events and seasonal flow patterns to determine proper pipe placement based on frequency and magnitude of such events.

Potential Alternatives

None identified.

Additional Professional Services

None identified.

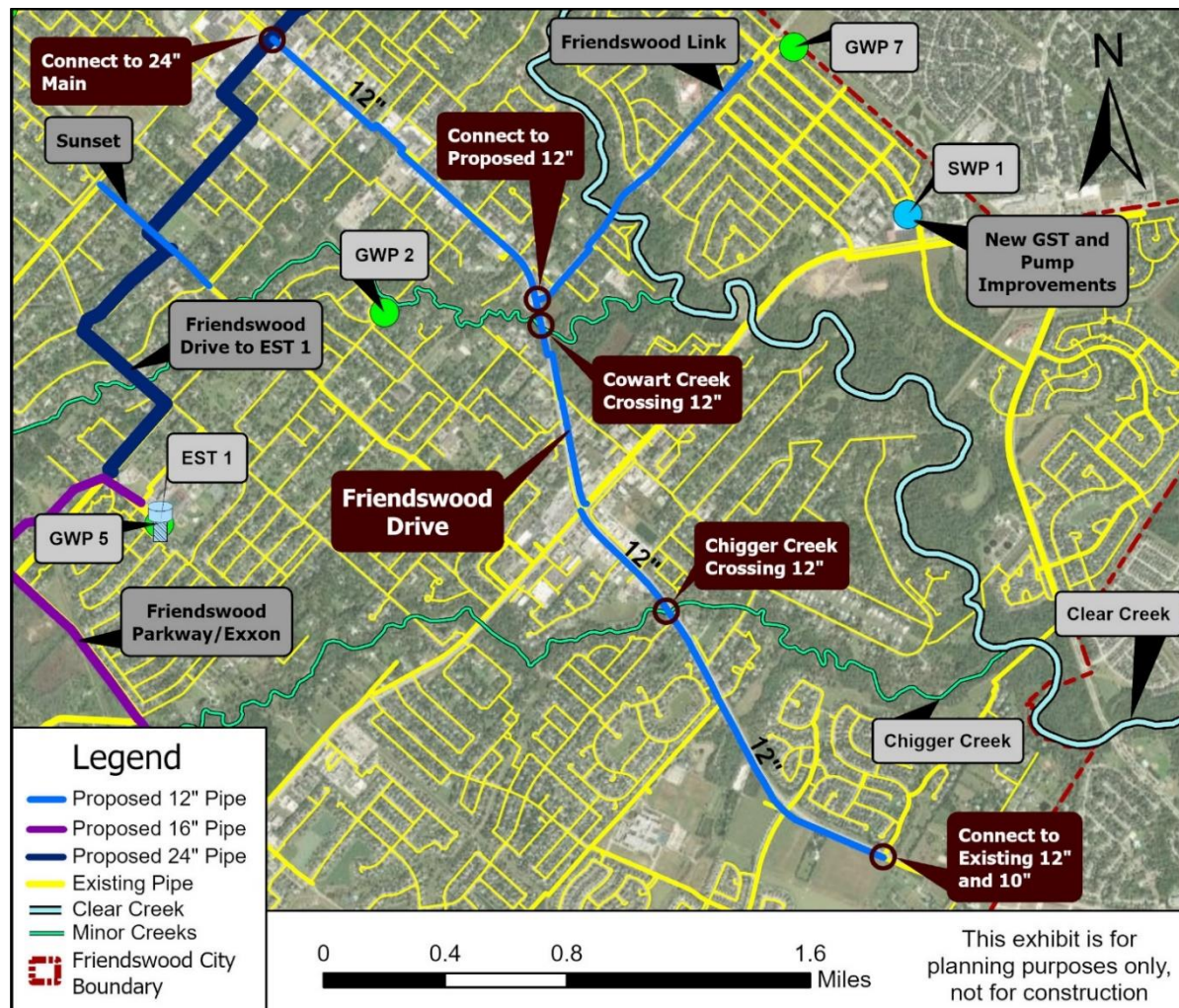
Project Identification		
Number:	9	
Location:	East of Heritage Drive	
Flexibility:	High	
Schedule		
Primary Trigger:	Operational	
Secondary Trigger:	None	
Capacity Threshold:	N/A	
Threshold Year:	2032	
Start Date:	1/1/2030	
Project Complete:	2032	
Project Implementation (Months)		
Predesign:	3	
Engineering/Design:	12	
Bid/Construction:	24	
Total Project Duration:	39	
	2022 Costs (\$ Millions)	Forecasted Costs (\$ Millions)
Construction	\$4.96	\$6.66
Professional Services	\$0.74	\$0.94
Total Project Cost	\$5.70	\$7.60



Project 9: Friendswood Drive				
Diameter (in)	Description	Unit Cost (\$/LF)	Length (LF)	Cost ¹
12	Pipe Installation	\$195	6,683	\$ 3,634,000
12	Cowart Creek Crossing Pipe Installation	\$390	90	\$ 36,000
12	Chigger Creek Crossing Pipe Installation	\$390	90	\$ 36,000
Subtotal				\$ 3,670,000
Miscellaneous Construction (5%)				\$ 184,000
Contingency (30%)				\$ 1,101,000
Professional Services				\$ 744,000
OPCC				\$ 5,699,000

¹All cost values have been rounded up the nearest \$1,000

Project 9: Friendswood Drive





Project 12: Sand Pit Road

Project Description

This project includes the installation of a 12-inch water line from an existing 12-inch water line on FM 528 to an existing 12-inch water line southwest of Sterling Creek Drive.

Justification

The new water line will complete the 12-inch loop and will allow for greater transmission capacity in the area.

Unintended Consequences

None identified.

Special Considerations

None identified.

Potential Alternatives

None identified.

Additional Professional Services

None identified.

Project Identification		
Number:	12	
Location:	Friendswood Lakes Boulevard	
Flexibility:	High	
Schedule		
Primary Trigger:	Operational	
Secondary Trigger:	None	
Capacity Threshold:	N/A	
Threshold Year:	2032	
Start Date:	1/1/2030	
Project Complete:	2031	
Project Implementation (Months)		
Predesign:	3	
Engineering/Design:	9	
Bid/Construction:	12	
Total Project Duration:	24	
	2022 Costs (\$ Millions)	Forecasted Costs (\$ Millions)
Construction	\$0.37	\$0.48
Professional Services	\$0.06	\$0.07
Total Project Cost	\$0.43	\$0.55



Project 12: Sand Pit Road				
Diameter (in)	Description	Unit Cost (\$/LF)	Length (LF)	Cost ¹
12	Pipe Installation	\$195	1,973	\$ 273,000
Subtotal				\$ 273,000
Miscellaneous Construction (5%)				\$ 14,000
Contingency (30%)				\$ 82,000
Professional Services				\$ 56,000
OPCC				\$ 425,000

¹All cost values have been rounded up the nearest \$1,000

Project 12: Sand Pit Road





APPENDIX C
Wastewater Impact Fee Eligible CIP
Opinions of Probable Construction Costs

SOUTH-01 – Upsizing Lift Station 23 and Force Main

Construct a new lift station and upsize it from 5.1 MGD to 9.8 MGD lift station

Item No.	Description	Quantity	Unit	Unit Rate	Total
1	Mechanical/Piping	1	LS	\$250,000.00	\$250,000.00
2	Pumps	1	LS	\$1,200,000.00	\$1,200,000.00
3	Structural	1	LS	\$700,000.00	\$700,000.00
4	Electrical	1	LS	\$900,000.00	\$900,000.00
5	Site Work	1	LS	\$200,000.00	\$200,000.00
6	Generator	1	LS	\$200,000.00	\$200,000.00
7	Contingency	1	LS	\$1,035,000.00	\$1,035,000.00
8	Engineering	1	LS	\$897,000.00	\$897,000.00
Total					\$5,382,000.00

SOUTH-02 – Upsizing LS-8 and Force Main

Upsize existing 1.0 MGD lift station to 1.8 MGD

Replace 8-inch force main with 10-inch force main

Item No.	Description	Quantity	Unit	Unit Rate	Total
1	Mechanical/Piping	1	LS	\$200,000.00	\$200,000.00
2	Pumps	1	LS	\$350,000.00	\$350,000.00
3	Structural	1	LS	\$250,000.00	\$250,000.00
4	Electrical	1	LS	\$250,000.00	\$250,000.00
5	Site Work	1	LS	\$100,000.00	\$100,000.00
6	10" Force Main	2,900	LF	\$120.00	\$348,000.00
7	Mobilization	1	LS	\$149,800.00	\$149,800.00
8	Contingency	1	LS	\$494,000.00	\$494,000.00
9	Engineering	1	LS	\$428,000.00	\$428,000.00
Total					\$2,569,800.00

SOUTH-03 – Upsizing LS-30

Upsize existing 1.0 MGD lift station to 1.65 MGD

Item No.	Description	Quantity	Unit	Unit Rate	Total
1	Mechanical/Piping	1	LS	\$200,000.00	\$200,000.00
2	Pumps	1	LS	\$325,000.00	\$325,000.00
3	Structural	1	LS	\$200,000.00	\$200,000.00
4	Electrical	1	LS	\$250,000.00	\$250,000.00
5	Site Work	1	LS	\$100,000.00	\$100,000.00
6	Mobilization	1	LS	\$107,500.00	\$107,500.00
7	Contingency	1	LS	\$355,000.00	\$355,000.00
8	Engineering	1	LS	\$308,000.00	\$308,000.00
Total					\$1,845,500.00



Table 2-1: Sanitary Sewer CIP Projects

Significant Non-Recurring Utility Services Projects	Utility	Gravity Main Size(s) (in)	Force Main Size(s) (in)	Budget Estimate	Developer Funded
Lift Station #26 Reconstruction	Sewer	–	–	\$ 4,043,000	X
Lift Station #4 and Lift Station #22 – Pumping, Piping, and Wet Well Rehabilitation	Sewer	–	–	\$ 2,966,000	–
Sanitary Sewer Assessment (Phase IV) - Correct 75k LF gravity, 179 MH	Sewer	–	–	\$ 1,464,000	–
Sanitary Sewer Assessment (Phase V & VI) - Investigate 68k LF gravity, 352 MH	Sewer	–	–	\$ 200,000	–
Sanitary Sewer Assessment (Phase VII) – Engineering Design 100k LF gravity, 625 MH	Sewer	–	–	\$ 100,000	–
Sanitary Sewer Assessment (Phase VIII) - Correct 100k LF gravity, 625 MH	Sewer	–	–	\$ 1,800,000	–
Lift Station Mitigation Package 1 (Lift Stations #1 and #17)	Sewer	–	–	\$ 973,815	–
Lift Station Mitigation Package 2 (Lift Stations #4, #5, #13, #24, and #25)		–	–	\$ 1,600,000	–
Lift Station Mitigation Package 3 (Lift Stations #22, #27, #28, and #31)		–	–	\$ 1,700,000	–
Lift Station #26 and #8 Improvement Study	Sewer	–	–	\$ 50,000	–
SCADA Study	Sewer	–	–	\$ 50,000	–
Greenbrier at Cowards Creek Gravity Sewer Line	Sewer			\$ 275,00	–
Lift Station Full Rehabilitation (Includes Generator)	Sewer	–	–	\$ 3,000,00	–
Aeration at Blackhawk WWTP	Sewer	–	–	–	–
Generator at SS1	Sewer	–	–	\$ 1,000,00	–
Generator at SS2	Sewer	–	–	\$ 1,000,00	–
Baker Road, Falling Leaf, Stable Sanitary Sewer	Sewer	8, 12	6	\$ 3,875,900	–
Beamer Road Sanitary Sewer	Sewer	12	4, 6	\$ 4,866,800	–
El Dorado/Lundy Lane Sanitary Sewer East	Sewer	10, 12	6	\$ 3,888,400	–



Significant Non-Recurring Utility Services Projects	Utility	Gravity Main Size(s) (in)	Force Main Size(s) (in)	Budget Estimate	Developer Funded
El Dorado/Lundy Lane Sanitary Sewer West	Sewer	10	–	\$ 998,000	
FM 528- Falcon Ridge to Windsong Sanitary Sewer	Sewer	8, 12	–	\$ 1,433,100	–
Windsong Lane Sanitary Sewer	Sewer	12	10	\$ 4,013,800	–



City of Friendswood



Draft Wastewater CIP - Opinion of Probable Construction Cost*

November 1, 2023

**Planning Level Cost in 2023 Dollars*

CIP Project Number:

1

Phase: 10-year

Project Name: Lift Station 27 Expansion

Project Description:

This project includes the expansion of Lift Station 27 from 1.67 MGD to 2.5 MGD firm pumping capacity and includes the replacement of the wet well, pumps, electrical, piping and valves, and generator.

Project Drivers:

The Lift Station 27 expansion is sized to serve existing and future peak flows from the 528 Town Center development within the lift station service area.

Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	LS #27 Wet Well	1	EA	\$ 900,000	\$ 900,000
2	LS #27 Pumps	1	EA	\$ 500,000	\$ 500,000
3	LS #27 Electrical	1	EA	\$ 550,000	\$ 550,000
4	LS #27 Generator	1	EA	\$ 300,000	\$ 300,000
5	LS #27 Piping and Valves	1	EA	\$ 175,000	\$ 175,000
SUBTOTAL:					\$ 2,425,000
CONTINGENCY				30%	\$ 727,500
SUBTOTAL:					\$ 3,152,500
ENG/SURVEY				20%	\$ 630,500
SUBTOTAL:					\$ 3,783,000
Estimated Project Total:					\$ 3,783,000

Note: The FNI Team has no control over the cost of labor, materials, equipment, or over the Contractor's methods of determining prices or over competitive bidding or market conditions. Opinions of probable construction costs provided are based on the information available at the time of preparation and represent only the FNI Team's judgment based on industry experience. The FNI Team cannot and does not guarantee the proposals, bids, or actual construction costs will not vary from the opinion of probable construction costs. It is recommended the City survey the existing line inverts during the preliminary engineering phase of this project to confirm the existing capacity.

Costs have been escalated to 2023 dollars in Table 3-1 in the *2023 Water and Wastewater Impact Fee Study Report*



APPENDIX D

Anticipated Future Development Information

City of Friendswood

Draft 2023 Water and Wastewater Impact Fee Update

Anticipated Future Developments

Anticipated Development Name	2033 Population Growth	2033 Commercial Acreage Growth
Georgetown	959	-
Friendswood Trails	847	-
Falling Leaf Ranch	108	-
Estates of Wilderness Trails	79	-
528 Townes Center	2,153	9
West Ranch Village Center	524	30
Avalon	358	-
Infill within 10 Years	646	125
Total	5,674	164

IMPACT FEE STUDY

2018 UPDATE STUDY OF LAND USE ASSUMPTIONS,
CAPITAL IMPROVEMENTS PLAN & IMPACT FEES

WATER SUPPLY/DISTRIBUTION AND
WASTEWATER TREATMENT/COLLECTION

CITY OF FRIENDSWOOD, TEXAS



NOVEMBER 2018

PREPARED BY:

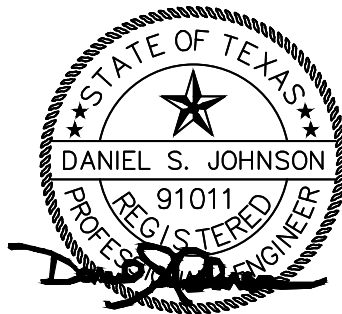
DANIEL SCOTT
ENGINEERING, LLC

19701 MORRIS AVENUE, MANVEL, TEXAS 77578
TBPE F-9827

CITY OF FRIENDSWOOD
IMPACT FEE STUDY

CAPITAL IMPROVEMENTS ADVISORY COMMITTEE

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BRETT BANFIELD
ERIC GUENTHER
LISA LUNDQUIST
RICHARD SASSON
MARCUS PERRY



11/27/2018

CITY OF FRIENDSWOOD
IMPACT FEE STUDY

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CITY OF FRIENDSWOOD
IMPACT FEE STUDY

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CITY OF FRIENDSWOOD
IMPACT FEE STUDY

I. INTRODUCTION

A. BACKGROUND

The City of Friendswood, Texas has elected to adopt Water and Wastewater Impact Fees to assist in the financing of Capital Improvements for those systems that are necessitated by growth and development anticipated in the City. These Impact Fees were first adopted on June 4, 1990 by Resolution No. 90-22, in accordance with the provisions of the, then current State Law.

The State Law originally required that impact fees be reviewed and updated at least every three years from the adoption date; however, the legislation was amended to revise the maximum period to five years between required updates. Table 1 provides a historical summary of all updates to the Impact Fee Study for the City of Friendswood:

TABLE 1
IMPACT FEE STUDY UPDATE SUMMARY

Year	Revision	Resolution	Preparer
1990	Original	R90-22	Brown & Gay Engineers, Inc.
1991	Amendment	R91-4	Brown & Gay Engineers, Inc.
1993	Update #1	R93-24	Brown & Gay Engineers, Inc.
1997	Update #2	R97-48	Claunch & Miller, Inc.
2000	Update #3	R2000-40	Claunch & Miller, Inc.
2003	Update #4	R2003-47	Claunch & Miller, Inc.
2008	Update #5	R2008-17	HDR/Claunch & Miller, Inc.
2013	Update #6	R2013-11	JET Civil Consulting, LLC
2018	Update #7		Daniel Scott Engineering, LLC

In 2013, the City Council authorized JET Civil Consulting, LLC to prepare the update of the Land Use Assumptions, Capital Improvements Plan (CIP), and Impact Fee Study in accordance with Chapter 395 of the Local Government Code (Impact Fee Legislation), which is the state legislation regulating this adoption process.

In July 2018, the City authorized Daniel Scott Engineering, LLC (DSE) to prepare the required five-year update of the 2013 Study. This document includes the basis for determination of the Water and Wastewater Impact Fee per Equivalent Service Unit (ESU), based on Land Use Assumptions and the corresponding CIP.

CITY OF FRIENDSWOOD
IMPACT FEE STUDY

B. CAPITAL IMPROVEMENTS ADVISORY COMMITTEE

The City Council has appointed a Capital Improvements Advisory Committee to give policy direction, guide the public hearing process, and make a recommendation to the Council regarding the final report and fee amount. This committee consists of the Friendswood Planning and Zoning Commission (P&Z), which currently has at least one member representing the real estate industry, as required by the Impact Fee Legislation.

C. PLANNING PERIOD

The City of Friendswood is located in a high growth corridor along Interstate 45, approximately 20 miles southeast of the City of Houston, and about 30 miles northwest of the City of Galveston. The planning period for this Impact Fee Study will be for the ten-year period from 2018-2028 in accordance with requirements of the aforementioned Chapter 395. Population projections and resulting growth for the planning period can be found in the Land Use Assumptions, and details of the projects are shown in the CIP.

D. CAPITAL IMPROVEMENTS

Water and Wastewater Capital Improvements are defined as *“any facility that has a life expectancy of three or more years and are owned and operated by or on behalf of a political subdivision: water supply, treatment and distribution facilities; wastewater collection and treatment facilities.”*

Costs for system improvements necessitated by regulatory changes, maintenance requirements, or to correct deficiencies in existing developed areas are not eligible for reimbursement by impact fees and are therefore not included in the CIP developed for the purposes of this study. Many of the improvements may be financed through the issuance of bonds, and therefore finance charges can be estimated and included in the fee calculation. Acquisition of land, easements, and engineering costs for the projects are also eligible under the legislation and can be included in the calculation.

E. IMPACT FEES

This document will establish the projected number of Equivalent Service Units estimated to be added to the City of Friendswood’s water and wastewater system over the Planning Period, as well as the anticipated areas, which will require these services. The required Capital Improvements to be constructed can then be determined with cost estimates that will be utilized to calculate the proposed Impact Fees.

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II. LAND USE ASSUMPTIONS

A. BASIS

The Land Use Assumptions established herein are based on the following:

- The City's current Zoning Map
- The City's Capital Improvements Program 2017 Update
- The City's Comprehensive Plan adopted in 1998
- Vision 2020
- 2001 Groundwater Reduction Plan
- Area Growth projections provided by HGAC and other sources
- United States Census Bureau data and previous historical data
- Current growth trends experienced in the City
- Availability of vacant tracts in the City

B. SERVICE AREA

The Impact Fee Legislation defines Land Use Assumptions as: *"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 ten-year period."* The City of Friendswood has elected to define the service area for Impact Fees as the current City Limits. The legislation also allows the City to impose impact fees in the City's Extraterritorial Jurisdiction (ETJ); however, the City of Friendswood has no ETJ.

The City has elected to establish Impact Fees on a system-wide basis. Currently, the City has no standalone systems (Municipal Utility Districts) providing water and wastewater to residents and businesses.

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C. POPULATION PROJECTIONS

According to the United States Census Bureau (Table 2), the population for the City of Friendswood was estimated at 39,839 on July 1, 2017. This represents an increase of 11.3% from the 2010 Official Census (35,805), and an increase of 4,034 people in seven years. After the increase of 23.3% (6,768 people) from 2000 (29,037) to 2010 (35,805), the Census Bureau continues to document Friendswood's growth toward buildout.

Over the last 47 years of Census data, the City of Friendswood has experienced varying population increases. The City witnessed tremendous population spikes of 88.9% from 1970 to 1980, and 112.8% from 1980 to 1990, and a steady increase of about 6,300 people every decade since the 1990's. Altogether, the City has experienced an average annual population increase of 4.27% since 1970.

The 2013 Impact Fee Study incorporated an average annual increase of 1.5% for the population projection, which proved to be consistent with the 1.54% increase observed by the Census Bureau.

TABLE 2
US CENSUS BUREAU

Geography Name	Year	Household Population	% Increase	Population Increase
Friendswood	1970	5,675		
Friendswood	1980	10,719	88.9%	5,044
Friendswood	1990	22,814	112.8%	12,095
Friendswood	2000	29,037	27.3%	6,223
Friendswood	2010	35,805	23.3%	6,768
Friendswood	2017	39,839	11.3%	4,034
		ANNUAL AVERAGE		
		SINCE 1970:	4.27%	726.9
		SINCE 1980:	3.62%	787.0
		SINCE 1990:	2.09%	630.6
		SINCE 2000:	1.88%	635.4
		SINCE 2010:	1.54%	576.3

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The City's Comprehensive Plan, Vision 2020, and the Groundwater Reduction Plan projected a build-out population of 57,400 within the combined 21 square miles of the City. Growth trends for the current decade are on a similar track with Houston Galveston Area Council (HGAC) projecting a population increase of 9,147 by 2028. The HGAC population projections for the 10-Year Planning Period are presented in Table 3.

TABLE 3
HGAC POPULATION PROJECTIONS

Place	Year	Household Population	% Increase	Population Increase
Friendswood	2015	38,435	-	-
Friendswood	2016	39,066	-	-
Friendswood	2017	39,697	-	-
Friendswood	2018	40,327	-	-
Friendswood	2019	40,958	1.6%	630.8
Friendswood	2020	41,589	1.5%	630.8
Friendswood	2021	42,853	3.0%	1,263.8
Friendswood	2022	44,117	2.9%	1,263.8
Friendswood	2023	45,380	2.9%	1,263.8
Friendswood	2024	46,644	2.8%	1,263.8
Friendswood	2025	47,908	2.7%	1,263.8
Friendswood	2026	48,430	1.1%	522.1
Friendswood	2027	48,952	1.1%	522.1
Friendswood	2028	49,474	1.1%	522.1
		ANNUAL AVERAGE: TOTAL:	2.1%	9,147

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D. GROWTH RATE

According to the Census Bureau, the City of Friendswood has experienced an average growth rate of 1.54% per year over the last seven years. In turn, HGAC projects the City's average annual growth rate at 2.1% over the next ten years.

The 2008 Impact Fee Study used a 1.9% annual growth rate, which projected a population in 2017 of 42,988. The 2013 Impact Fee Study implemented a slightly more conservative rate of 1.5% and estimated a population in 2017 of 41,144. According to the US Census Bureau, Friendswood's 2017 population was actually estimated at 39,839, which is on target with the 2013 projection. Therefore, the recommendation of this 2018 Updated Study is to maintain the same conservative growth rate for the planning period between 2018 and 2028 at **1.5%**.

This 1.5% Growth Rate is recommended for the projection of population and resulting service units for the calculation of the Impact Fee amount. Table 4 indicates the resulting population projections by year, with a total estimated population growth of **6,492** over the next 10 years.

TABLE 4
1.5% ANNUAL GROWTH RATE PROJECTIONS

Source	Year	Household Population	% Increase	Population Increase
<i>US Census Data</i>	<i>2000</i>	<i>29,037</i>		
	<i>2010</i>	<i>35,805</i>	<i>23.3%</i>	<i>6,768</i>
	<i>2017</i>	<i>39,839</i>	<i>11.3%</i>	<i>4,034</i>
Friendswood	2018	40,436		
Friendswood	2019	41,043		607
Friendswood	2020	41,659		616
Friendswood	2021	42,284		625
Friendswood	2022	42,918		634
Friendswood	2023	43,562		644
Friendswood	2024	44,215		653
Friendswood	2025	44,878		663
Friendswood	2026	45,552		673
Friendswood	2027	46,235		683
Friendswood	2028	46,928		694
		AVERAGE: TOTAL:	1.5%	6,492

III. CAPITAL IMPROVEMENTS PLAN

A. CAPITAL IMPROVEMENTS PROGRAM

Pursuant to the City Charter, the City Manager is required to submit a Capital Improvements Program (PROGRAM) to the City Council. By agreement, this program is to be updated periodically to reflect the completion of projects, the addition of new projects, and to update project costs for financial projection and management efforts. The first PROGRAM was adopted in 1999 and has been updated in 2003, 2007, 2009, 2012, 2014, and 2017.

From the 2017 Update: *“The intent of the updated program is to identify, describe, and prioritize the infrastructure needs of the community as it grows and evolves. The overall goal of the CIP is to maintain the same high quality of life for all citizens through the timely anticipation of the City’s needs, planning of improvement projects and determining funding sources as the community grows. The program is also intended to depict financial challenges of the City’s growth and maintenance of infrastructure that characterize the City’s future and the associated funding requirements to meet these objectives. The programming portion includes formulating preliminary plans, projecting estimated project costs, setting priorities, identifying funding sources, and scheduling the implementation of the plans.”*

The City of Friendswood adopted their current Capital Improvement Projects Manual in May of 2017 by Resolution R2017-13. This Manual proposed 77 projects for water, wastewater, facilities, drainage, parks, and streets. Within those 77 projects, 7 water and 10 wastewater projects were identified for the next 5 years (2017-2021). Additionally, 23 water and wastewater projects were identified in the “Beyond 5 Year Plan.”

Since the planning period for the Impact Fee adoption process is *10 years*, all of the *eligible* water and wastewater projects from the Capital Improvements Program are included, as well as other projects anticipated within the 10-year range.

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B. EXISTING CAPITAL IMPROVEMENTS

1. WATER SUPPLY AND DISTRIBUTION

Historically, water supply for the City of Friendswood was served exclusively by groundwater. However, in 1975, the Harris-Galveston Subsidence District (HGSD) was created by the Texas Legislature for the purpose of preventing land subsidence and increased flooding. Under HGSD's requirements, it was determined that the City's future water supply must be converted from a majority of groundwater use to a majority of surface water use.

In January 2001, a Groundwater Reduction Plan (GRP) was developed by Klotz Associates, Inc. in order to meet the HGSD requirements. The GRP indicated that the total water supply needed for the anticipated buildout population of 57,400 would be 16.8 million gallons per day (MGD):

$$57,400 \times 136 \text{ gallons per person per day} \times 2.16 \text{ peaking factor} = 16.8 \text{ MGD}$$

Further, it determined that, in order to meet groundwater reduction goals, the appropriate mix should be 11.8 MGD surface water and 5.0 MGD groundwater. As such, the City of Friendswood has diligently purchased 12.0 MGD of water treatment capacity from the City of Houston's Southeast Water Purification Plant, La Porte Water Authority, and MUD 55.

As described in the PROGRAM, there are six (6) water projects that will be needed in the next 5 years in order to upgrade, update, and improve the existing Capital Improvements to meet the existing needs of the City. Although these projects cannot be used in the Impact Fee calculation, their inclusion in this Study is a requirement of Section 395.014 (a) (1) and (2) of the Impact Fee Legislation:

TABLE 5
WATER PROJECTS FOR EXISTING NEEDS

<u>WATER PROJECTS</u>	<u>APPROXIMATE COST</u>
1. City of Houston Water Plant Rehabilitation	\$ 3,500,000
2. Water Plant #1 Rehabilitation	\$ 1,339,000
3. 42" Water Main Replacement	\$ 12,656,000
4. Elevated Storage Tank #2 Rehabilitation	\$ 1,059,000
5. Water Plant Tank #3 Rehabilitation	\$ 706,000
6. Water Plant Tank #4 Rehabilitation	\$ 706,000
SUBTOTAL WATER	\$ 19,966,000

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2. WASTEWATER COLLECTION AND TREATMENT

Since 1979, the City of Friendswood has purchased 4.875 MGD of the 9.25 MGD capacity in the Blackhawk Regional Wastewater Treatment Facility. Of the City's total capacity, 2.5 MGD was purchased in the Phase I construction to serve existing development. An additional 2.375 MGD was purchased in the Phase II expansion project to serve new development and has previously been subject to the impact fee.

In order to serve the anticipated buildout population of 57,400 people, a total capacity of 6.5 MGD will be needed:

$$\begin{aligned} 57,400 \text{ people} / 2.8 \text{ people per connection} &= 20,500 \text{ connections} \\ 20,500 \text{ connections} \times 315 \text{ gallons per connection} &= 6.5 \text{ MGD} \end{aligned}$$

Therefore, a 2.0 MGD Phase III expansion is anticipated to serve new development and was included in the 2013 impact fee calculation. Additionally, the PROGRAM identified 10 wastewater projects needed in the next 5 years in order to upgrade, update, and improve the existing Capital Improvements to meet the existing needs of the City. Although these projects cannot be used in the Impact Fee calculation, their inclusion in this Study is a requirement of Section 395.014 (a) (1) and (2) of the Impact Fee Legislation:

TABLE 6
WASTEWATER PROJECTS FOR EXISTING NEEDS

WASTEWATER PROJECTS	APPROXIMATE COST
1. Lift Station #1 Replacement	\$ 1,774,000
2. Lift Station #4 Replacement	\$ 1,774,000
3. Lift Station #17 Replacement	\$ 1,774,000
4. Lift Station #22 Replacement	\$ 2,637,000
5. Lift Station #23 Replacement	\$ 3,935,000
6. Sanitary Sewer System Assessment Phase 4	\$ 1,464,000
7. Sanitary Sewer System Assessment Phase 5	\$ 100,000
8. Sanitary Sewer System Assessment Phase 6	\$ 100,000
9. Sanitary Sewer System Assessment Phase 7	\$ 175,000
10. Sanitary Sewer System Assessment Phase 8	\$ 1,830,000
SUBTOTAL WASTEWATER	\$ 15,563,000

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C. PROJECTS

As discussed, the City's Capital Improvements Program (PROGRAM) identified 77 projects for water, wastewater, facilities, drainage, parks, and streets. The Capital Improvements Plan (CIP) contained within this 2018 Updated Impact Fee Study document consists of only *eligible* water and wastewater projects from the City's PROGRAM.

Four (4) water projects and five (5) wastewater projects were identified within the PROGRAM for this CIP and are included in Table 7. The approximate subtotal costs are \$6.8M for the water projects and \$13.7M for the wastewater projects.

TABLE 7
CAPITAL IMPROVEMENTS PLAN

<u>WATER PROJECTS</u>	<u>APPROXIMATE COST</u>
1. Sixteen Inch Waterline Phase III	\$ 2,500,000
2. Beamer Road Waterline	\$ 2,043,000
3. East Waterline	\$ 1,354,000
4. South Friendswood Service Area Loop	\$ 955,000
SUBTOTAL WATER	\$ 6,852,000
<u>WASTEWATER PROJECTS</u>	<u>APPROXIMATE COST</u>
1. Beamer Road Sanitary Sewer	\$ 4,200,000
2. El Dorado/Lundy Lane Sanitary Sewer	\$ 3,880,000
3. FM 528 – Falcon Ridge to Windsong Sanitary Sewer	\$ 1,005,000
4. FM 528 – Lundy Lane to Tower Estates Sanitary Sewer	\$ 1,585,000
5. Windsong Sanitary Sewer	\$ 3,061,000
SUBTOTAL WASTEWATER	\$ 13,731,000

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D. PROJECT DESCRIPTIONS

Project descriptions for the four (4) water projects and five (5) wastewater projects contained within this CIP were also included within the PROGRAM, and are provided below per the requirement of Section 395.014 (a) (3) of the Impact Fee Legislation:

Water Project #1: Sixteen Inch Waterline Phase III \$ 2,500,000

The proposed improvements would extend waterlines west from Water Plant #4 connecting to existing City waterlines in the western reaches of the City Limits. Currently, limited unlooped waterlines service various developments throughout the western region of Friendswood. This proposed water line loop would open up development opportunities along FM 528 and greatly improve water pressure.

Water Project #2: Beamer Road Waterline \$ 2,043,000

This project consists of the proposed installation of a twelve-inch waterline along Beamer Road from FM2351 to Dixie Farm Road. The proposed improvements will expand those installed in the 2010 Beamer Road utility project funded with U.S. Economic Development Administration Grant. Efforts to attract light industry and office warehouse business and development into this area are largely dependent on availability of City service infrastructure.

Water Project #3: East Waterline \$ 1,354,000

This project consists of the installation of approximately 2,850 linear feet of fourteen-inch waterline that would extend water service to the East Service Area, and then loop the line back into the existing system by installing 6,600 linear feet of twelve-inch waterline to Bay Area Boulevard. This project will provide water to the eastern most area of the City and loop the FM 528 line to the Bay Area Boulevard line.

Water Project #4: South Friendswood Service Area Loop \$ 955,000

This project would extend waterlines to existing City water-lines in the southern reaches of the City Limits. Currently, limited unlooped water lines service various developments throughout the southern region of Friendswood. The proposed water line loop would open up development opportunities along FM 528.

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Wastewater Project #1: Beamer Road Sanitary Sewer \$ 4,200,000

This project consists of the proposed installation of additional gravity sewer lines along Beamer Road toward Dixie Farm. The proposed improvements will expand those installed in the 2010 Beamer Road utility project funded with U.S. Economic Development Administration Grant. Efforts to attract light industry and office warehouse business and development into this area are largely dependent on availability of City service infrastructure.

Wastewater Project #2: El Dorado/Lundy Lane Sanitary Sewer \$ 3,880,000

This project will include approximately 2,500 feet of six-inch force main, 5,000 feet of twelve-inch gravity sewer, 1,500 feet of fifteen-inch gravity sewer, and twenty manholes. The lift station will be located in the vicinity of the intersection of Lundy Lane and El Dorado Lane. Easements must be obtained for construction and installation of the Lift Station. Currently this area consists of 36 large lots and large acreage tracts, and is served by individual septic systems.

Wastewater Project #3: \$ 1,005,000
FM528 - Falcon Ridge to Windsong Sanitary Sewer

The purpose of this project is to provide sanitary sewer to the non-serviced area along FM 528 from Falcon Ridge to Windsong. The project will require construction of a Lift Station, approximately 5,700 feet of eight-inch force main, 4,800 feet of ten-inch gravity line and fourteen manholes. Easements must be obtained for construction and installation of the force main.

Wastewater Project #4: \$ 1,585,000
FM528 – Lundy Lane to Tower Estates Sanitary Sewer

The construction of a new sanitary sewer is required to provide services to the currently non-serviced areas along FM 528 from Lundy Lane to Tower Estates. The project will consist of approximately 3,000 feet of ten-inch gravity line, 800 feet of eight-inch line, and ten manholes.

Wastewater Project #5: Windsong Sanitary Sewer \$ 3,061,000

This project will provide sanitary sewer to the non-serviced area on Windsong to FM 528. The project will also include the Wind Creek and Windwood Lane areas. This project will consist of the construction of a Lift Station, in the vicinity of Windsong and Wind Creek Lane, approximately 3,000 feet of 6-inch force main, 6,450 feet of 8-inch gravity line and 18 manholes. In addition, a utility easement will be required for the construction of the Lift Station. Currently, the area is served by individual septic systems.

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E. EQUIVALENT SERVICE UNITS

In Section 395.014 (a) (4), the Impact Fee Legislation requires that the study provide a *“definitive table establishing the specific quantity of use, consumption, generation, or discharge of a service unit for each category of capital improvements or facility expansions, and an equivalent or conversion table establishing the ratio of a service unit to various types of land uses, including residential, commercial, and industrial.”*

Many municipalities have determined that the method that is the most equitable and easy to administer is based on the water meter size required to support the proposed building or facility. The American Water Works Association has published tables identifying the industry standard rated flow rates for meters of various sizes.

These flow rates are compared to the standard residential meter (1” for Friendswood) as one service unit and provide an equivalency factor to determine the total impact fee. This method is recommended since it provides the most equitable determination of actual *impact* of the development on the water and wastewater systems.

Table 8 establishes Equivalency Factors for water meters based on AWWA hydraulic capacities standard to the engineering industry:

TABLE 8
EQUIVALENT METER TABLE

Actual Meter Size (inches)	AWWA Capacity (GPM)	Equivalency Factor
1	50	1
1-1/2	100	2
2	160	3
3	300	6
4	500	10
6	1000	20
8	1600	32
10	2300	46
12	4300	86

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As of October 2018, the Utility Billing Department reported a total of 12,614 existing residential water meters in the City of Friendswood. As shown in Table 9, the majority of those meters (12,513/12,614 = 99%) are 1" in size or smaller, and therefore represent a 1:1 equivalency. However, there are also 101 residential meters that are larger than 1".

Using the Equivalency Factors determined in Table 8 above, these 12,614 residential meters represent a total of 12,760 equivalent meters:

TABLE 9
CURRENT RESIDENTIAL METER SUMMARY

Meter Size (inches)	Equivalency Factor	Residential Water Meters	Equivalent Meters
1*	1	12,513	12,513
1-1/2	2	66	132
2	3	34	109
3	6	1	6
4	10		0
6	20		0
8	32		0
10	46		0
12	86		0
Total		12,614	12,760

* Includes 3/4", 5/8", and 1" water meters.

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In addition to the residential water meters, the Utility Billing Department also identified 558 existing non-residential water meters in the City of Friendswood. As shown in Table 10, the majority of those meters (339/558 = 60%) are 1" in size or smaller, and therefore represent a 1:1 equivalency. However, there are also 219 non-residential meters that are larger than 1".

Using the Equivalency Factors determined in Table 8 above, these 558 non-residential meters represent a total of 1,140 equivalent meters:

TABLE 10
CURRENT NON-RESIDENTIAL METER SUMMARY

Meter Size (inches)	Equivalency Factor	Non-Residential Water Meters	Equivalent Meters
1*	1	339	339
1-1/2	2	50	100
2	3	141	451
3	6	18	108
4	10	7	70
6	20	2	40
8	32	1	32
10	46		0
12	86		0
Total		558	1,140

* Includes 3/4", 5/8", and 1" water meters.

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By combining the *Total Actual* and *Total Equivalent* meter data from Tables 9 and 10 for residential and non-residential water meters, Table 11 shows that approximately 8% of the current demand can be attributed to that of non-residential usage:

TABLE 1 1
CURRENT WATER METER SUMMARY

	Residential Water Meters	Non-Residential Water Meters	Total Water Meters
Total Actual Meters	12,614	558	13,172
Total Equivalent Meters	12,760	1,140	13,900
Percentage of Equivalent Meters	92%	8%	100%

In November 1998, when Vision 2020 was prepared by Kenneth Balk & Associates, the non-residential land usage at the time was observed as 8% (536 acres out of 6,759 acres). While the Vision Summary was to “*develop undeveloped land in Friendswood in general conformance to the existing zoning plan with regard to the split between residential and non-residential land as 73% Residential and 27% Commercial and Light Industrial,*” Friendswood is still predominantly a residential community.

Utilizing the 1.5% Growth Rate recommended in Section II. Land Use Assumptions, the number of Equivalent Service Units (ESU) projected to be added from 2018 to 2028 can be determined per Section 395.014 (a) (5) and (6) of the Impact Fee Legislation.

According to the HGAC data, there were 13,511 total households within the City limits of Friendswood in 2015. With a corresponding 2015 population of 38,435, this equates to a ratio of 2.84 persons per household. In the year 2020, HGAC predicts that Friendswood will have 41,589 people in 14,258 households, representing 2.92 persons per household. Averaging these HGAC data points (2.84 and 2.92) results in a density of 2.88, which directly corresponds with the 2016 Census data of 2.88 persons per household in Friendswood. Previous updates have implemented 2.80, 2.82, and 3.00, indicating that 2.88 persons per household is an appropriate value for this Study.

In addition to Friendswood’s residential population, approximately 8% of the water and wastewater usage is represented by non-residential development. Assuming a continued density of 2.88 people per household, and a corresponding increase in non-residential development of 8%, the following increase in ESU will provide the basis for determining the maximum allowable impact fee that may be charged by the City:

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TABLE 12
EQUIVALENT SERVICE UNITS
Section 395.014 (a) (6)

Projected increase in population for planning period (Table 4):	6,492
Projected increase in population per Service Unit:	6,492/2.88
Projected increase in Residential Service Units:	2,254
Projected increase in Non-Residential Service Units (8%):	180
Equivalent Service Units for planning period (2018-2028) =	2,434 ESU

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IV. IMPACT FEES

The impact fee amount per Equivalent Service Unit (ESU) will be determined based on the number of service units projected to be added to the systems over the 10-year planning period. The single-family residence will be considered as the standard service unit.

A. ADMINISTRATIVE ITEMS

1. The impact fee will be *assessed* (subject to future updates) at the time that a plat is filed (where applicable), and *collected* during the building permit process, as identified in the impact fee legislation.
2. Parks and temporary construction trailers will not be assessed any impact fees.
3. Houses and businesses obtaining additional meter(s) for fire line or lawn irrigation purposes only will not pay the impact fee associated with water or wastewater.
4. The Architect or Engineer for the Owner will size the water meter for the development based on industry standards.
5. Governmental buildings will not pay the water and wastewater impact fees based on the proposed assessment method.
6. Schools are exempt from payment of impact fees unless the board of trustees consents to a specific agreement in accordance with Chapter 395, Local Government Code.
7. When an existing water meter is changed out, additional impact fees will only be assessed if the meter size is increased. The fee will be based on the incremental increase in the Service Units.
8. When meters are changed out for the same size meter or a smaller meter, no Impact Fee will be assessed.
9. If an existing home is currently on a private well and/or septic system, and public water or wastewater become available:
 - a. If the homeowner connects within 1 year of the installation of the City services, they will not have to pay impact fees.
 - b. If the homeowner has not connected to City services within 1 year, they will pay the full impact fee at the time of their connection.
10. Impact fees do not include tap or meter fees; these regulations do not waive any tap or meter fees.

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B. MAXIMUM IMPACT FEE DETERMINATION

Chapter 395 of the Local Government Code was amended in 2001 to include that the City must provide for one of the following from Section 395.014 Paragraph (a) (7):

- (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.*

The City of Friendswood has elected to follow option (B) and provide the credit equal to 50 percent of the CIP resulting in the following maximum Impact Fees. Therefore:

TABLE 13
MAXIMUM IMPACT FEES

Total Cost of Water Projects	(Table 7)	=	\$ 6,852,000
Total Cost of Wastewater Projects	(Table 7)	=	\$ 13,731,000
Increase in Service Units	(Table 12)	=	2,434
Total Cost of Water Projects from CIP/Increase in Service Units (2018-2028)			
	\$6,852,000 / 2,434	=	\$ 2,815 / ESU
Total Cost of Wastewater Projects from CIP/Increase in Service Units (2018-2028)			
	\$13,731,000 / 2,434	=	\$ 5,641 / ESU
Maximum Water Impact Fee:	\$ 2,815 x 50%	=	\$ 1,407 / ESU
Maximum Wastewater Impact Fee:	\$ 5,641 x 50%	=	\$ 2,820 / ESU
Maximum Total Impact Fee:	\$ 1,407 + \$2,820	=	\$ 4,227 / ESU

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V. SUMMARY AND RECOMMENDATIONS

The City of Friendswood, Texas has elected to adopt Water and Wastewater Impact Fees to assist in the financing of Capital Improvements for the systems that are necessitated by growth and development anticipated in the City.

- The Planning Period for this Impact Fee Study is **2018 to 2028**.
- A growth rate of **1.5%** per year is recommended for projection of population and resulting service units for the calculation of the Impact Fee amount.
- The projected population increase for this Planning Period is **6,492** people.
- The equivalent increase in service units is **2,434 ESU**.
- The Total Costs for eligible Water Projects identified in the CIP equate to **\$6,852,000**.
- The Total Costs for eligible Wastewater Projects in the CIP equate to **\$13,731,000**.
- The Maximum Water Impact Fee is **\$1,407** per ESU.
- The Maximum Wastewater Impact Fee is **\$2,820** per ESU.

TABLE 14
PREVIOUS IMPACT FEES

Year	Water	Sewer	Total
2003	\$1,892	\$967	\$2,859
2008	\$1,849	\$1,290	\$3,139
2013	\$2,088	\$840	\$2,928

The City of Friendswood has traditionally adopted the maximum calculated Impact Fee, as recommended by the Capital Improvement Advisory Committee. While a community can elect to adopt a *lesser* amount than the maximum calculated Impact Fee, they cannot adopt a *greater* amount.

Based on the information presented in this 2018 Impact Fee Study, the Capital Improvement Advisory Committee recommends that the City Council adopt the following Impact Fee rates:

RECOMMENDED WATER IMPACT FEE	=	\$1,407 / ESU
RECOMMENDED WASTEWATER IMPACT FEE	=	\$2,820 / ESU
RECOMMENDED TOTAL IMPACT FEE	=	\$4,227 / ESU



FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: November 16, 2023

Subject: Consider approving the minutes of the Planning and Zoning Regular Meeting held Thursday, October 26, 2023.

Action:

SUMMARY / ORIGINATING CAUSE

The draft minutes are attached for review and consideration.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

n/a

RECOMMENDATIONS

n/a

ATTACHMENTS

1. 10-26-2023 PZ Minutes



**CITY OF FRIENDSWOOD
PLANNING AND ZONING COMMISSION
THURSDAY, OCTOBER 26, 2023 - 6:00 PM**

Minutes

**MINUTES OF A FRIENDSWOOD REGULAR MEETING HELD AT 910 S. FRIENDSWOOD
DR, FRIENDSWOOD, TX 77546, COUNCIL CHAMBERS, CITY HALL**

STATE OF TEXAS
CITY OF FRIENDSWOOD
COUNTIES OF GALVESTON/HARRIS
OCTOBER 26, 2023

1. CALL TO ORDER

MINUTES OF A REGULAR MEETING OF THE FRIENDSWOOD PLANNING AND ZONING COMMISSION THAT WAS HELD ON THURSDAY, OCTOBER 26, 2023, AT 06:00 PM 910 S. FRIENDSWOOD DR, FRIENDSWOOD, TX 77546

CHAIRMAN TOM HINCKLEY
VICE-CHAIRMAN RICHARD SASSON
COMMISSIONER CATHERINE KOERNER
COMMISSIONER MARCUS RIVES
COMMISSIONER BRIAN BOUNDS
COMMISSIONER MARSHA CONRAD
COUNCIL LIAISON TRISH HANKDS
CITY ATTORNEY KAREN HORNER
DIRECTOR OF CDD/PLANNER AUBREY HARBIN
ASSISTANT PLANNER BECKY BENNETT

COMMISSIONER TRAVIS MANN WAS ABSENT FROM THE MEETING.

2. COMMUNICATIONS FROM THE PUBLIC

In order to comply with provisions of the Open Meetings Act, the Commission may not deliberate on subjects discussed under this agenda item. However, the Commission may direct such subjects to be placed on a later regular Commission agenda for discussion and/or possible action.

No public comments.

3. COMMUNICATIONS

- A. Receive a report regarding updates to the Parks Master Plan.

James Toney, Director of Parks and Recreation, introduced Tim May, a landscape architect with EHRA, to present the Parks Master Plan.

- B. Announcement of the next Planning and Zoning Commission's (i) regular meetings on Thursday, November 16, 2023, and Thursday, November 30, 2023; and (ii) Annual Retreat on Thursday, November 30, 2023.
- C. Receive Council Liaison updates concerning action taken by the City Council on Planning and Zoning related items, and Commissioner comments concerning items of community interest and/or requesting future agenda items.

Commissioner Sasson mentioned the FDEDC funded pedestrian/street light poles were being installed along FM 518.

4. CONSENT AGENDA

These items are considered routine or ministerial in nature and will be enacted with one motion. There will be no separate discussion of items unless a commissioner so requests in which case the item would be removed from the consent agenda and considered separately.

- A. Consider approving the minutes of the Planning and Zoning Commission Regular Meeting held on Thursday, October 12, 2023.

****Commissioner Catherine Koerner moved to approve the minutes of the Planning and Zoning Commission Regular Meeting held on Thursday, October 12, 2023. Seconded by Commissioner Marcus Rives. The motion was approved unanimously.**

5. ACTION ITEMS

- A. Consider a making a recommendation to the City Council concerning (i) a requested zone classification change for property located at 3801 RM 528 Rd., being further described as 106.472 acres of land situated in the Sarah McKissick League, Abstract Number 549, Harris County, Texas; being all of Restricted Reserves "A" and "C" Clear Creek Community Church Friendswood, a subdivision plat of record at Film Code No 691601, Harris County Map Records; and being the residue of a called 135.778 acre tract of land conveyed to Clear Creek Community Church as described by deed recorded under Harris County Clerk's File No. 20150231965, City of Friendswood, Harris County, Texas, to change from Planned Unit Development (Ord. 2015-18) to a revised Planned Unit Development (PUD) to allow a mixed-use development and (ii) an amendment to the Future Land Use Map (2021) to change the designation of the described 106.472 acres from "Public and Semi Public" and "Retail" to "Mixed Use."

Harbin stated the developer made changes in response to the Commission's questions. She said the building height for buildings along FM 528 will be a maximum of 40-feet tall and the remaining buildings will be a maximum of 70-feet tall. She said the Regulation Matrix had been updated to specify that the mixed use buildings would have a maximum density of 29 units per acre and the

multi-family tract would also have a maximum density of 29 units per acre.

Commissioner Rives suggested wording to preclude residential units on the ground floor of the mixed-use buildings, mimicking the Downtown District requirements. The developer, Mr. Louis Tannos, agreed and said that was the intention.

Commissioner Sasson asked the developer to guarantee the commercial development would be phased out prior to occupancy of the multi-family residential property. Mr. Tannos said he could add language to a private covenant, but not the PUD. Sasson said the City Council should include that caveat in their economic agreement with Tannos.

Koerner motioned to amend her motion. Seconded by Rives. The motion passed unanimously.

Koerner motioned to approve the amended motion to include the revised regulation matrix, allowing residential units above the first commercial floor on Lots 6, 7, 9, 10 and 11, and suggested a phasing plan be required by the City Council. The motion passed unanimously.

- B. Consider approving the Partial Preliminary Plat of Georgetown Section 1, a subdivision of 21.225 acres located in the I&GN RR Co Survey, Block 1, Section 23, Abstract 624, Galveston County, Friendswood, Texas.

Harbin stated this plat would be the first section of the Georgetown Subdivision consisting of 31 residential lots. Bennett said the Compliance Memo listed outstanding comments to be addressed.

****Vice-Chairman Richard Sasson moved to approve the Partial Preliminary Plat of Georgetown Section 1, a subdivision of 21.225 acres located in the I&GN RR Co Survey, Block 1, Section 23, Abstract 624, Galveston County, Friendswood, Texas. Seconded by Commissioner Brian Bounds. The motion was approved unanimously.**

Bennett explained the plat needs to be Conditionally Approved or Disapproved because the outstanding items need to be reconsidered by the Commission once those comments have been satisfied.

Commissioner Rives motioned them to reconsider. Seconded by Commissioner Sasson. The motion passed unanimously.

Commissioner Rives motioned to approve with conditions. Seconded by Commissioner Sasson. The motion failed unanimously.

Commissioner Koerner motioned to disapprove the plat. Seconded by Commissioner Rives. The motion passed unanimously.

- C. Consider approving the Partial Preliminary Plat of Georgetown Boulevard Street Dedication Phase II, being a subdivision of 2.139 acres located in the I&GN RR Co Survey, Block 1, Section 23, Abstract 624 and Hooper & Wade Survey, Section 22, Abstract 491, Galveston County, Friendswood, Texas.

****Commissioner Brian Bounds moved to disapprove the Partial Preliminary Plat of Georgetown Boulevard Street Dedication Phase II, being a subdivision of 2.139 acres located in the I&GN RR Co Survey, Block 1, Section 23, Abstract 624 and Hooper & Wade Survey, Section 22, Abstract 491, Galveston County, Friendswood, Texas. Seconded by Commissioner Marcus Rives. The motion was approved unanimously.**

- D. Consider approving the Preliminary Plat of Sherry Lane Street Dedication, being a subdivision of 2.171 acres located in the I&GN RR Co Survey, Block 1, Section 23, Abstract 624, Galveston County, Friendswood, Texas.

**Vice-Chairman Richard Sasson moved to disapprove the Preliminary Plat of Sherry Lane Street Dedication, being a subdivision of 2.171 acres located in the I&GN RR Co Survey, Block 1, Section 23, Abstract 624, Galveston County, Friendswood, Texas. Seconded by Commissioner Brian Bounds. The motion was approved unanimously.

6. ADJOURNMENT

This meeting was adjourned at 07:22 PM.



FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: November 16, 2023

Subject: Conduct a public hearing regarding a request for a zone classification change located at 901 S Friendswood Drive, .54 acres being Lot One (1), of Southern Breeze, a subdivision in Galveston County, Texas, according to the map or plat thereof, recorded in Volume 18, Page 353, of the Map Records of Galveston County, Texas, to change from Neighborhood Commercial (NC) to Downtown District (DD).

Action:

SUMMARY / ORIGINATING CAUSE

The owner of the tract is requesting to change the zoning of the property to Downtown District (DD) to take advantage of the development regulations and economic benefits of the Downtown District. The property is within the boundary and meets the requirements of the Future Land Use Map (FLUM). If approved, future development will be subject to the Downtown District (DD) zoning regulations.

Action on this item will be P&Z's recommendation (final report) to City Council.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

Ultimately, it is the goal for all of the properties within the Downtown District (DD) boundary to be zoned Downtown District (DD).

RECOMMENDATIONS

None at this time.

ATTACHMENTS

1. 901 S Friendswood Dr Rezoning Report
2. Final Plat_Southern Breeze
3. Aerial Map_901 S Friendswood Dr
4. FLUMap_901 S Friendswood Dr
5. Location Map_901 S Friendswood Dr
6. Zoning Map_901 S Friendswood Dr

Rezoning Report

October 2023

Project: Zone Change Request

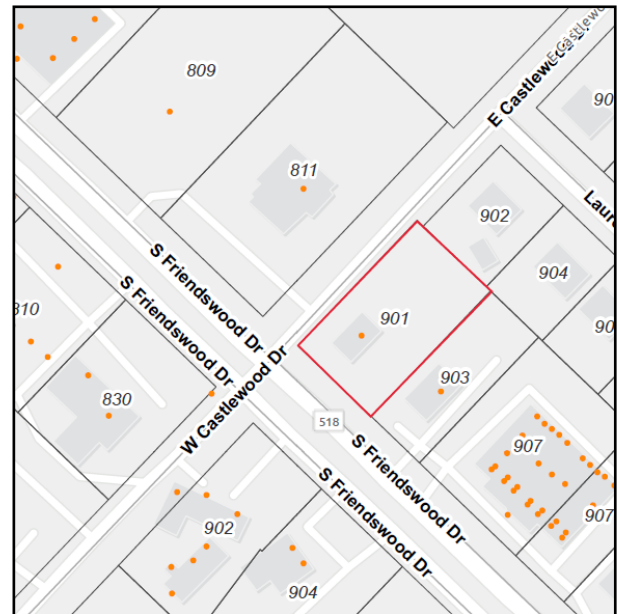
Address: 901 S Friendswood Drive

Legal: .54 acres being Lot One (1), of Southern Breeze, a subdivision in Galveston County, Texas, according to the map or plat thereof, recorded in Volume 18, Page 353, of the Map Records of Galveston County, Texas

Request: Zone classification change from Neighborhood Commercial (NC) to Downtown District (DD)

Applicable Zoning Ordinance Excerpts:

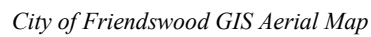
Appendix C - Zoning Ordinance
Section 7. Schedule of District Regulations



I. Downtown District (DD), general purpose and description. The DD, downtown district, is designed to accommodate and promote the city's original business and downtown areas. It is intended to achieve a balance of retail, commercial, office, and residential and public activities. Development within the DD should be pedestrian friendly with an emphasis on shared parking and shared access between developments. Development within the DD requires the approval of a development site plan by the Planning and Zoning Commission.

1. Area and height regulations. Structures within the DD are intended to be between one to four stories. The maximum height allowed is 70 feet as measured in accordance with the method prescribed in section 20. Additional regulations are set forth under subsection Q.2 of this section, regulation matrix.
 - a. No residential use shall be allowed on the first floor.
2. See section 8 for supplementary district regulations.
3. Permitted uses. Uses permitted in the DD are set forth in subsection P of this section, permitted use table.
4. Buildings in the DD are encouraged to have exterior cladding of brick, masonry, stone, stucco, glass or lap sided cement fiberboard. Sheet cement fiberboards are discouraged, except as trim for eaves and overhangs, while all building products and materials approved for use by a national model code published within the last three code cycles (2018, 2015 and 2012) are allowed by V.T.C.A., Government Code ch. 3000.

The subject property is .54 acres of land located at the corner of S. Friendswood Drive and E. Castlewood Avenue. The house was placed on this property in 1960.



1970 – Original Zoning Map for Friendswood identified the property as C-1 Retail Business District, which was later interpreted to be Community Shopping Center (CSC).

City of Friendswood Zoning Map

Adjacent Zoning/Land Use:

The property fronts FM 518, also known as S. Friendswood Drive and E Castlewood Ave. The adjacent property is zoned Neighborhood Commercial (NC) and the property to the rear is zoned Single Family Residential (SFR).

Platting Analysis:

The property is platted as Southern Breeze Subdivision.

Planning Analysis:

The subject property is located within the Downtown District Boundary. It is the goal to eventually get all properties within the boundary zoned Downtown District (DD).

Comprehensive Planning Analysis:

The Future Land Use Map (2021) identifies this property developing as Mixed Use, which includes the Downtown District (DD) zoning category.

Infrastructure/Service Delivery Impacts**Storm Water Management and Floodplain Issues:**

The property may be eligible for regional detention, if any structures or impervious cover were to be added in the future.

Utilities:

City water and sewer services are available.

Access:

The property currently has access on FM 518 and E. Castlewood Ave. Any additional driveways and driveway improvements along FM 518 would need to be approved by the Texas Department of Transportation (TXDOT). Shared driveway access with the adjacent commercial development would be optimal.

Park/Open Space:

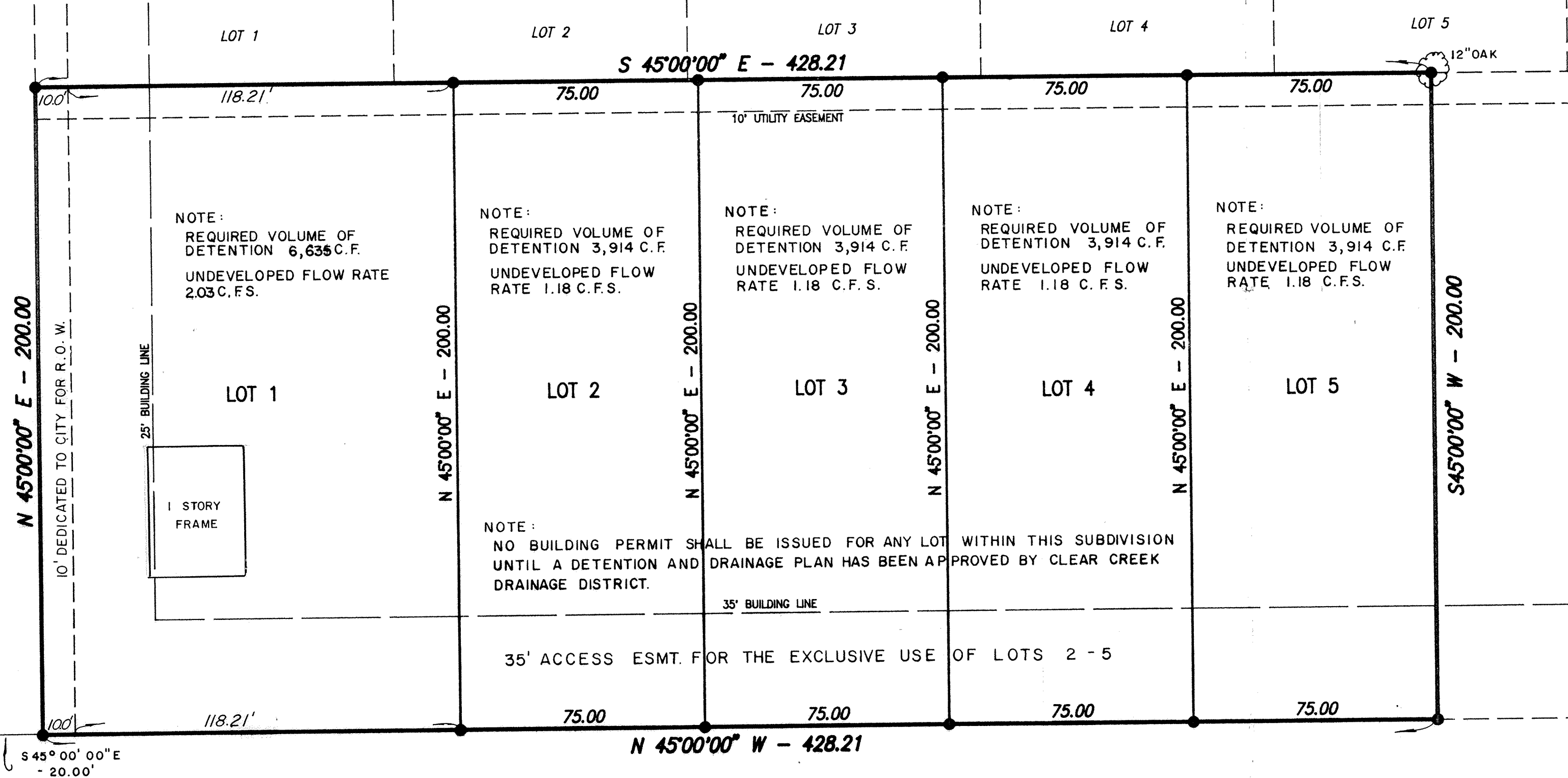
Park Dedication Fees are not applicable for commercial development.

LAURELFIELD SUBDIVISION
VOL. 18, PG. 191, G.C.M.R.

MIKE
C.
HICKEY

NORMAN
WEAVER

EAST CASTLEWOOD AVENUE (40' R.O.W.)



F.M. 518 - FRIENDSWOOD DRIVE (100' R.O.W.)

GROBA
&
COFFMAN

TOM BURKE

DAN GAGE

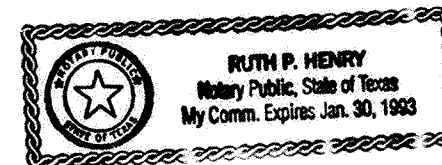
CITY
OF
FRIENDSWOOD

THIS IS TO CERTIFY THAT THE PLANNING AND ZONING COMMISSION OF THE CITY OF FRIENDSWOOD, TEXAS, HAS APPROVED THIS PLAT AND SUBDIVISION OF SOUTHERN BREEZE.

IN TESTIMONY WHEREOF, WITNESS THE OFFICIAL SIGNATURE OF THE CHAIRMAN AND SECRETARY OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF FRIENDSWOOD, TEXAS, THIS 4th DAY OF February 1992.

Ruth Henry
RUTH HENRY
DEVELOPMENT COORDINATOR

Benny R. Baker
BENNY R. BAKER
CHAIRMAN



I, JAMES E. THOMPSON, CITY ENGINEER OF THE CITY OF FRIENDSWOOD, TEXAS DO HEREBY CERTIFY THAT THE PLAT OF THIS SUBDIVISION COMPLIES WITH ALL OF THE EXISTING RULES AND REGULATIONS OF THIS OFFICE AS ADOPTED BY THE CITY OF FRIENDSWOOD, TEXAS, AND FURTHER IT COMPLIES OR WILL COMPLY WITH ALL OF THE ORDINANCES AS ADOPTED BY THE CITY COUNCIL.

James E. Thompson
JAMES E. THOMPSON
CITY ENGINEER

STATE OF TEXAS
COUNTY OF GALVESTON

I, MILDRED GLINES, OWNER OF THE PROPERTY SUBDIVIDED IN THE ABOVE AND FOREGOING MAP OF SOUTHERN BREEZE, DO HEREBY MAKE SUBDIVISION OF SAID PROPERTY ACCORDING TO THE LINES, STREETS, ALLEYS, PARKS, AND EASEMENTS THEREIN SHOWN AND DESIGNATE SAID SUBDIVISION AS SOUTHERN BREEZE, IN THE SARAH MCKISSICK LEAGUE, ABSTRACT NO. 151, FRIENDSWOOD, GALVESTON COUNTY, TEXAS; AND DEDICATE TO PUBLIC USE, AS SUCH THE EASEMENTS SHOWN THEREON FOREVER; AND DO HEREBY BIND MYSELF, MY SUCCESSORS AND ASSIGNS TO WARRANT AND FOREVER DEFEND THE TITLE TO THE LAND SO DEDICATED.

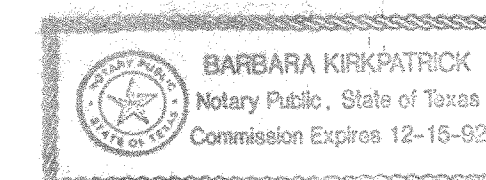
WITNESS MY HAND IN GALVESTON COUNTY, TEXAS THIS 4th DAY OF February 1992.

Mildred Glines
MILDRED GLINES
OWNER OF PROPERTY

STATE OF TEXAS
COUNTY OF GALVESTON

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, MILDRED GLINES, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN SET FORTH.

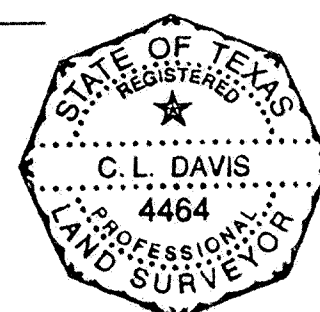
GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 4th DAY OF February 1992.



Barbara Kirkpatrick
NOTARY'S SIGNATURE
BARBARA KIRKPATRICK
NOTARY'S PRINTED NAME
12/15/92
MY COMMISSION EXPIRES:

THIS IS TO CERTIFY THAT, I, C. L. DAVIS, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, HAS PLATTED THE ABOVE SUBDIVISION FROM AN ACTUAL SURVEY ON THE GROUND, AND THAT ALL LOT AND BLOCK CORNERS, ANGLE POINTS, AND POINTS OF CURVATURE ARE PROPERLY MARKED WITH 5/8 INCH IRON RODS, 3 FEET LONG AND THAT THIS PLAT CORRECTLY REPRESENTS THAT SURVEY MADE BY ME.

C. L. Davis
C. L. DAVIS
REGISTERED PROFESSIONAL LAND
SURVEYOR NO. 4464



I, JESSE G. KIRKENDALL, COUNTY CLERK, GALVESTON COUNTY, TEXAS DO HEREBY CERTIFY THAT THE WRITTEN INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE ON _____ AT _____ O'CLOCK, _____ M., AND DULY RECORDED ON _____ AT _____ O'CLOCK, _____ M., IN PLAT RECORD _____ MAP NUMBER, GALVESTON COUNTY MAP RECORDS.

WITNESS MY HAND AND SEAL OF OFFICE, AT GALVESTON, TEXAS THE DAY LAST ABOVE WRITTEN:

JESSIE KIRKENDALL,
COUNTY CLERK GALVESTON
COUNTY, TEXAS

BY _____ DEPUTY

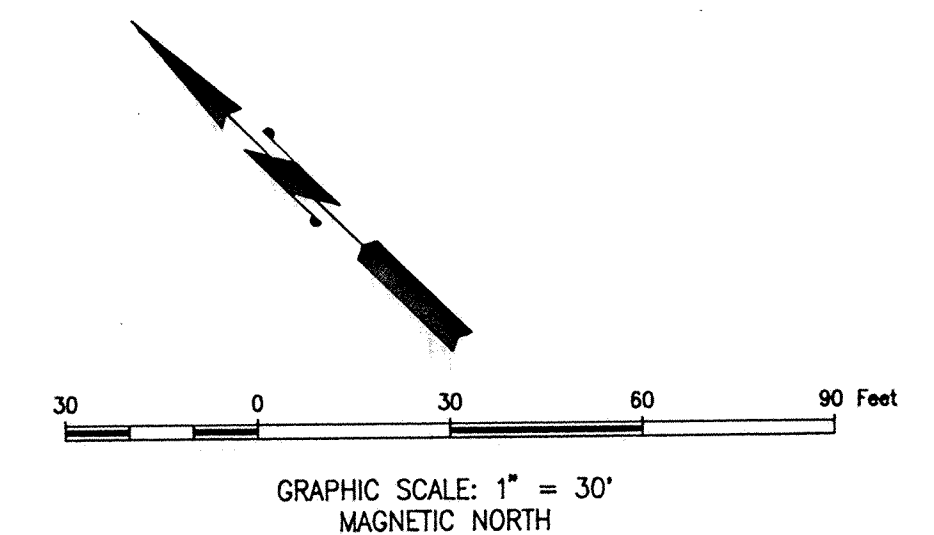
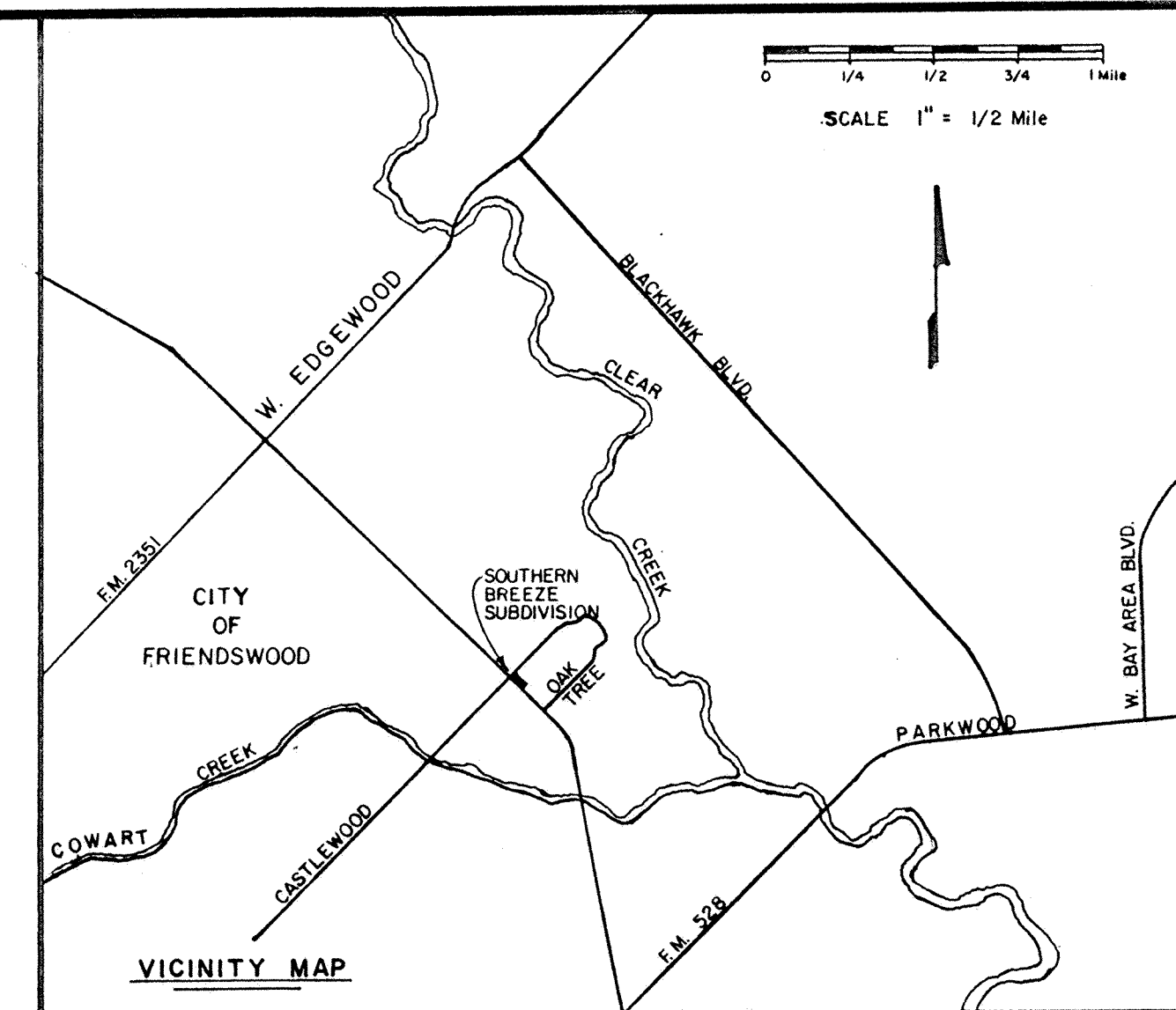
CLEAR CREEK DRAINAGE DISTRICT APPROVALS:
Jan F. Hilt 4/28/92
SUPERVISOR DATED
Andrew 1/26/92
SUPERVISOR DATED

SURVEYOR
C. L. DAVIS & COMPANY
1506 E. BROADWAY, SUITE 103
PEARLAND, TEXAS 77581
(713) 482-9490

FINAL PLAT
OF
SOUTHERN BREEZE
BEING A 1.9661 ACRE TRACT OUT OF
LOT 3, BLOCK 11,
FRIENDSWOOD SUBDIVISION
(Vol. 254A, Pg. 18 GCMR)
FRIENDSWOOD, GALVESTON COUNTY, TEXAS
5 LOTS IN 1 BLOCK
JANUARY 1992

OWNER
MILDRED F. GLINES
P.O. BOX 87
FRIENDSWOOD, TEXAS 77546
(713) 482-7442

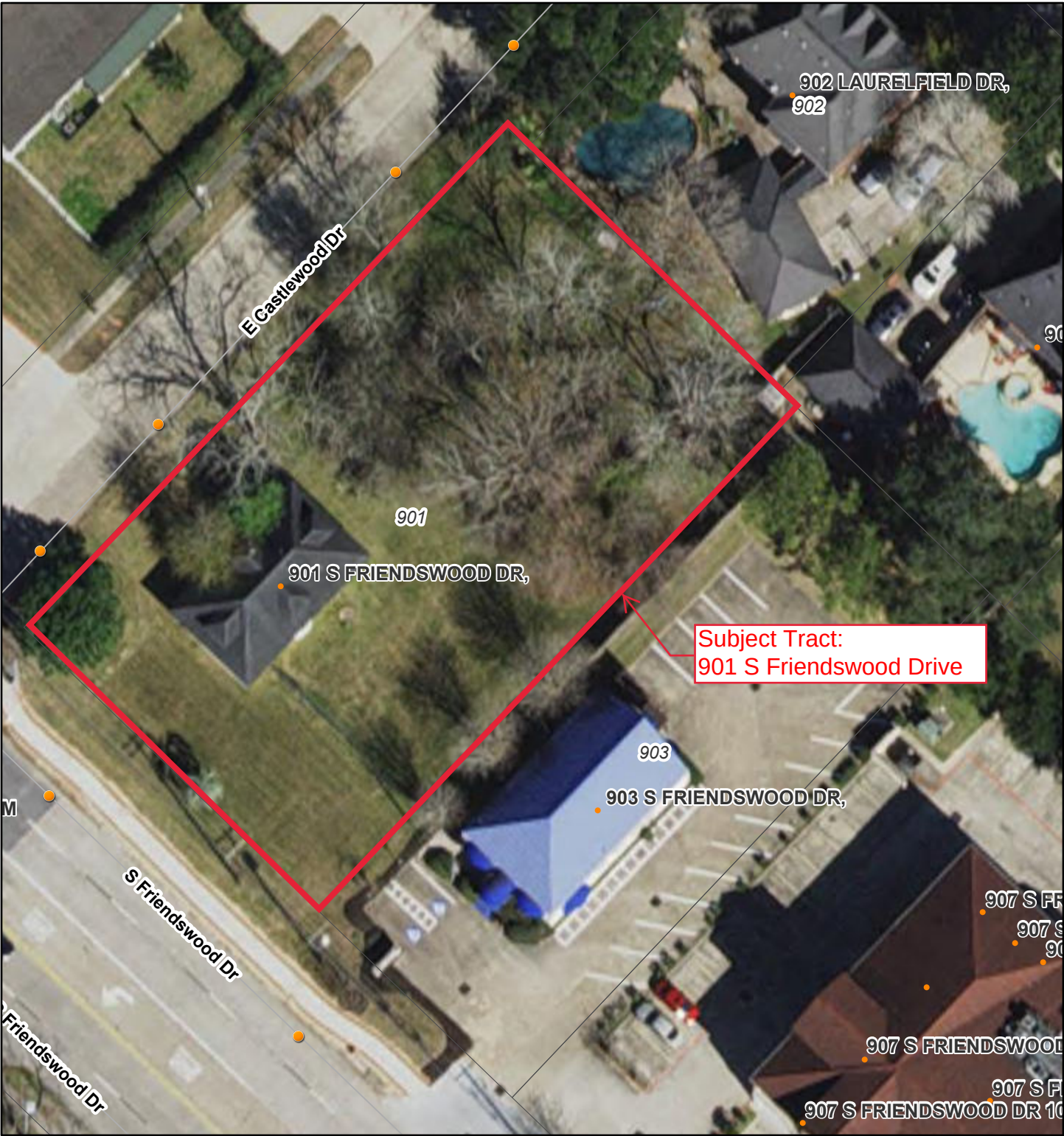
CADD FILE: 11-162A.DWG



NOTES:

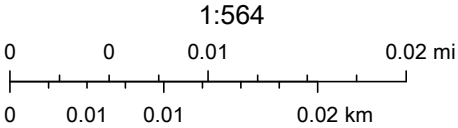
1. THERE ARE NO PIPELINE EASEMENTS ON SUBJECT PROPERTY EXCEPT AS SHOWN.
2. THIS TRACT LIES IN ZONE "X" AS PER FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 485468-0005 D, DATED JUNE 3, 1988. THIS STATEMENT IS BASED ON SCALING SAID TRACT ON THE ABOVE REFERENCED MAP.
3. STORAGE VOLUME SHOWN BASED ON 100 YEAR DESIGN STORM FOR COMMERCIAL DEVELOPMENT (90%).
4. THERE IS NO PHYSICAL EVIDENCE OF THE GAS UTILITIES SERVICE COMPANY EASEMENT FILED IN Vol. 2011, Pg. 38 GCDR AFFECTING THIS PROPERTY.
5. ONLY TWO DRIVEWAYS WILL BE ALLOWED TO ENTER F.M. 518 FROM LOTS 1-5. LOCATION TO BE DETERMINED BY THE ORDER OF DEVELOPMENT OF THE LOTS. IN NO CASE SHALL DRIVEWAYS BE LOCATED ON ADJACENT LOTS.

Aerial Map



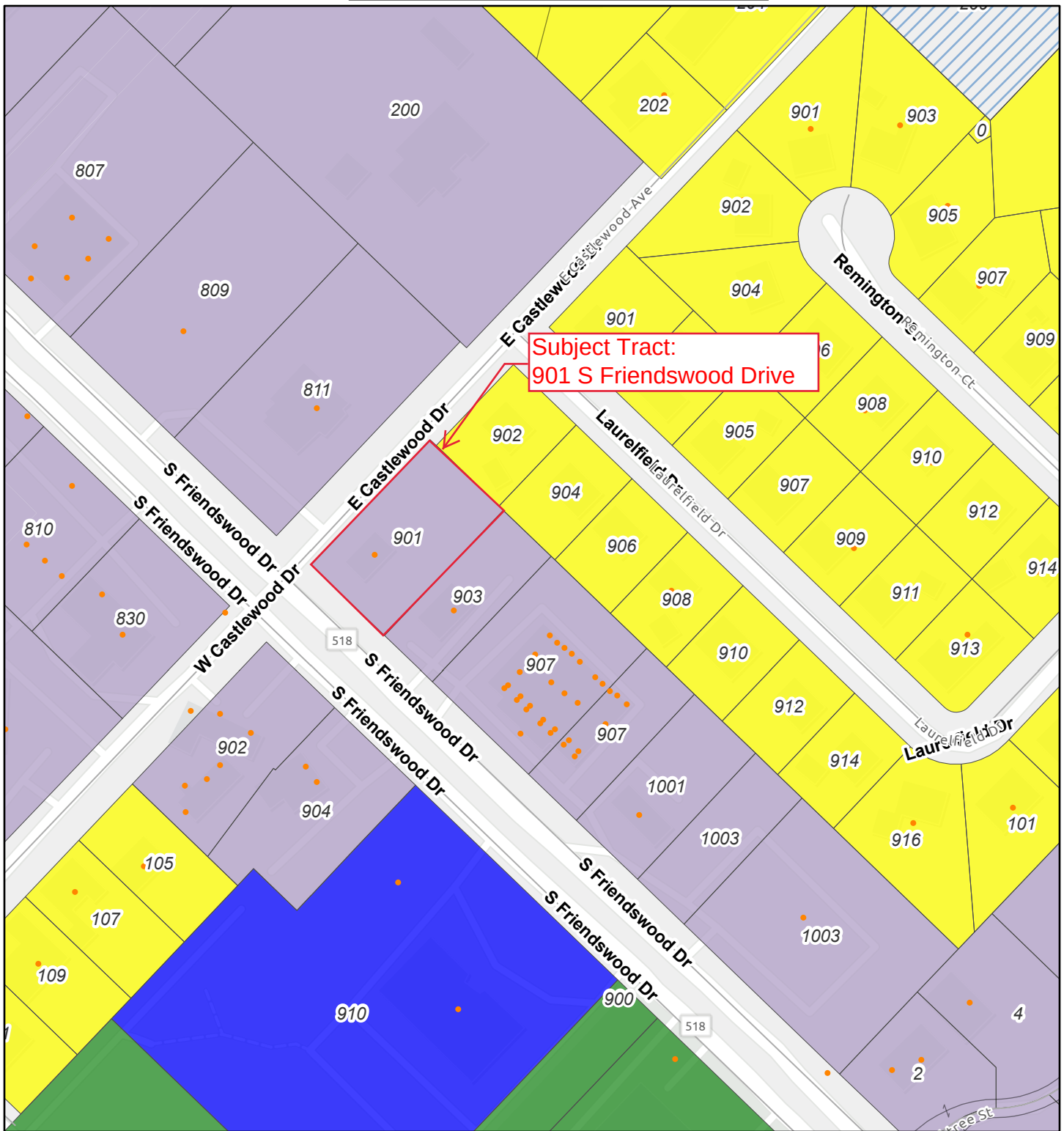
10/4/2023, 10:17:52 AM

-  City Limit
-  Address Points
-  Streets
-  Parcels



Houston- Galvesotn Area Council

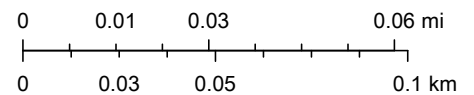
Future Land Use Map



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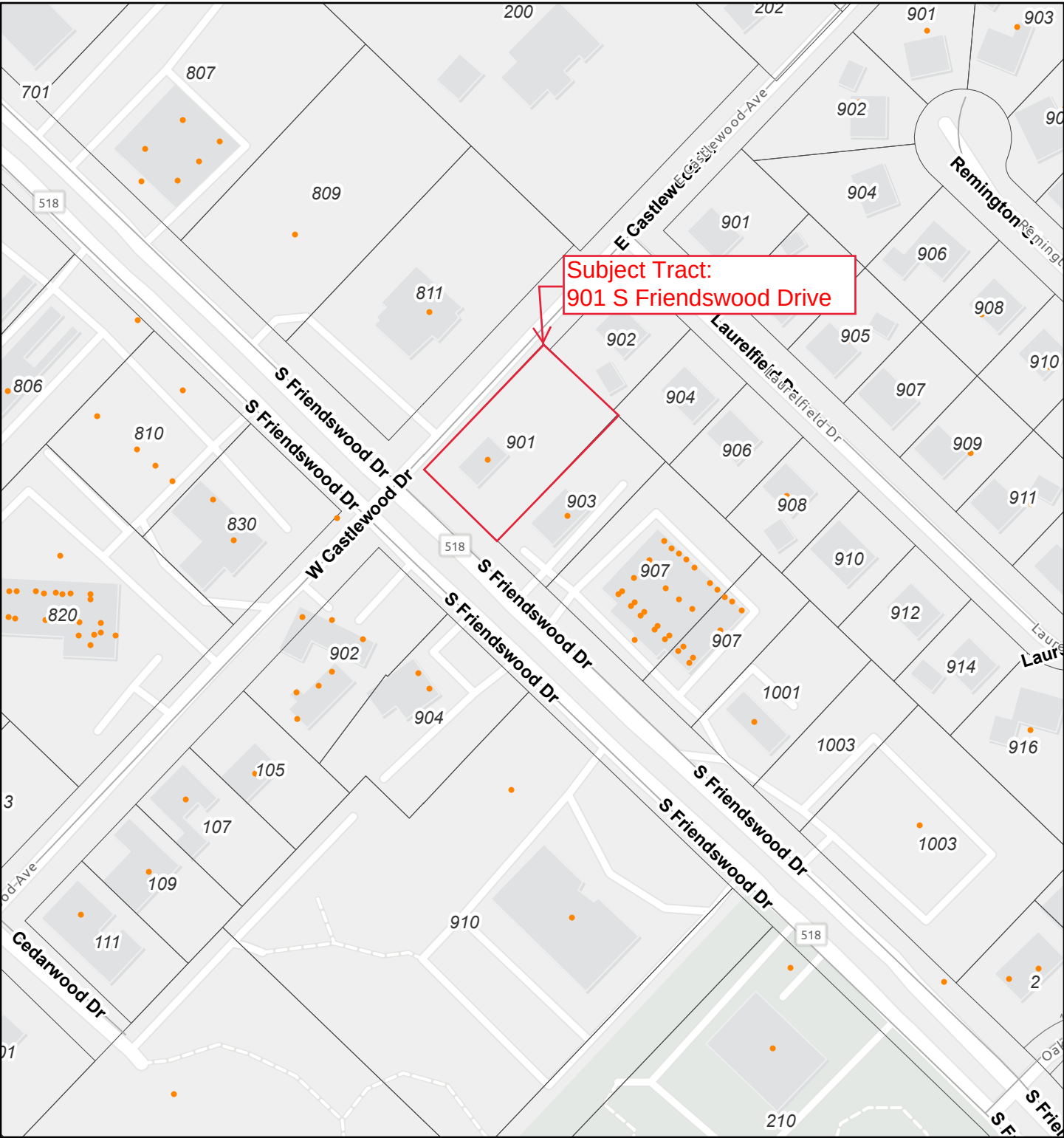
1:2,257

- City Limit
- Address Points
- Streets
- Galveston County - Lot Lines
- Parcels
- Low Density
- Mixed Use
- Parks
- Public and Semi-Public
- Buyout Lots



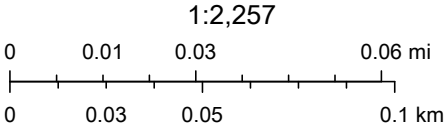
Esri Community Maps Contributors, City of Houston, Brazoria County, HPB, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, CONANP, Esri, HERE, Garmin, Foursquare, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

Location Map



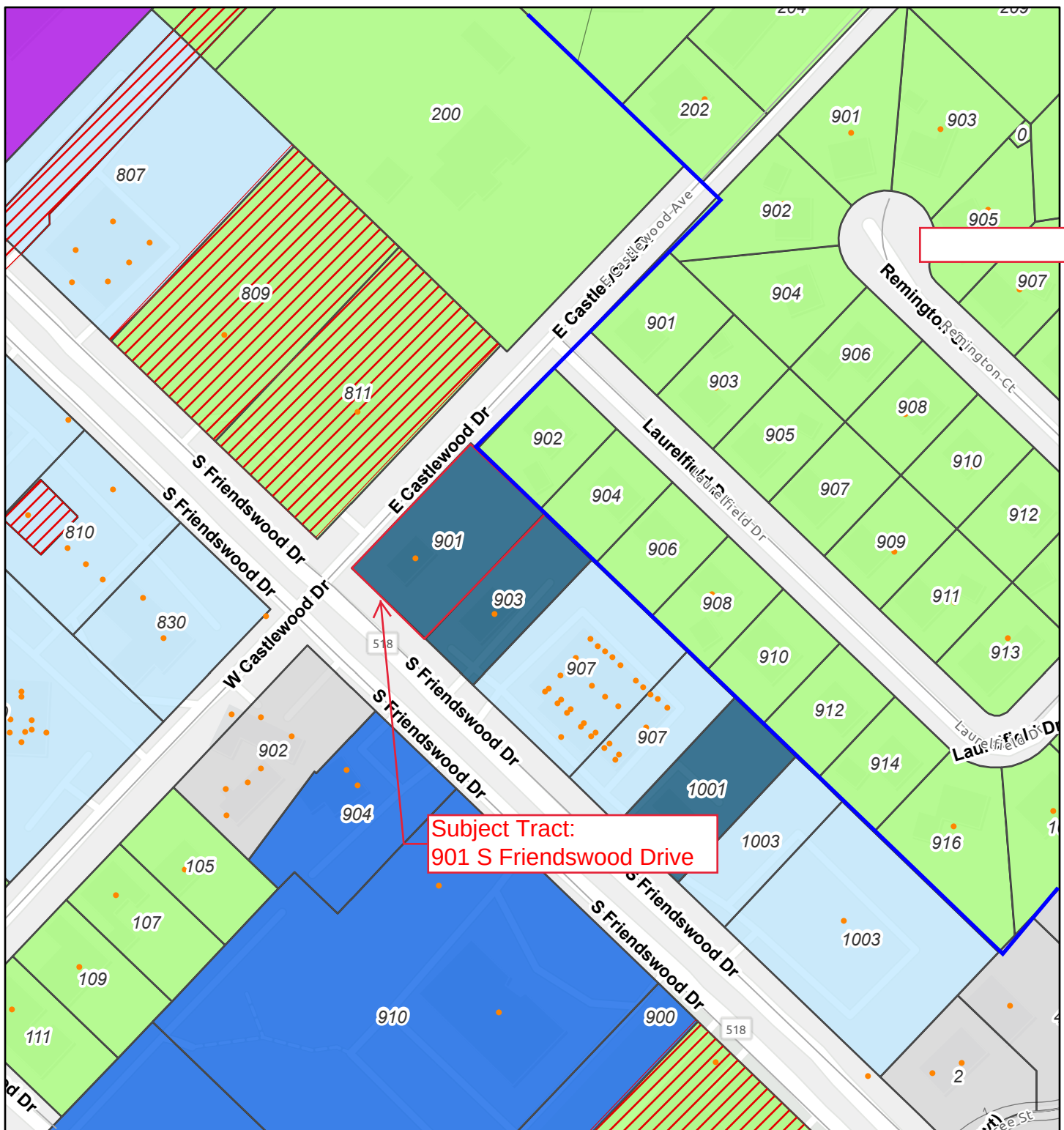
10/4/2023, 10:12:45 AM

- City Limits
- Address Points
- Streets
- Galveston County - Lot Lines
- Parcels



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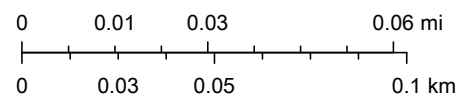
Current Zoning Map



10/4/2023, 10:19:08 AM

1:2,257

-
- Legend**
- | | | | |
|--|------------------------------|---|-------|
|  | City Limit |  | CSC |
|  | Address Points |  | DD |
|  | Streets |  | MFR-H |
|  | Galveston County - Lot Lines |  | NC |
|  | Parcels |  | OPD |
|  | Specific Use Permits |  | SFR |
|  | Downtown District Boundary | | |



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FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: November 16, 2023

Subject: Consider a recommendation to the City Council regarding a requested zone classification change located at 901 S Friendswood Drive to change from Neighborhood Commercial (NC) to Downtown District (DD).

Action:

SUMMARY / ORIGINATING CAUSE

The owner of the tract is requesting to change the zoning of the property to Downtown District (DD) to take advantage of the development regulations and economic benefits of the Downtown District. The property is within the boundary and meets the requirements of the Future Land Use Map (FLUM). If approved, future development will be subject to the Downtown District (DD) zoning regulations.

Action on this item will be P&Z's recommendation (final report) to City Council. See supporting documents on public hearing item.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

Ultimately, it is the goal for all of the properties within the Downtown District (DD) boundary to be zoned Downtown District (DD).

RECOMMENDATIONS

None at this time.

ATTACHMENTS



FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: November 16, 2023

Subject: Consider approving a site plan for two new buildings to be located at 110 and 112 Hunters Lane.

Action:

SUMMARY / ORIGINATING CAUSE

The proposed project is to construct two new shell office buildings behind the existing Masa Sushi restaurant and strip center. 110 Hunters Lane will be a 12,000 square foot, two-story building and 112 Hunters Lane will be a 6,000 square foot, single-story building. The subject property is zoned Community Shopping Center (CSC) and is subject to the Community Overlay District (COD) requirements.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

The property is zoned Community Shopping Center (CSC) and allows for the owner to expand his development.

RECOMMENDATIONS

None at this time.

ATTACHMENTS

1. Compliance Memo_110 and 112 Hunters Lane
2. Cover Sheet_110 and 112 Hunters Ln
3. Site and Landscape Plan_110 and 112 Hunters Ln
4. Elevations_110 and 112 Hunters Ln
5. Renderings_110 and 112 Hunters Ln
6. Photometrics_110 and 112 Hunters Ln

Memo

To: Planning and Zoning Commission

From: Becky Bennett, Assistant Planner

Date: November 7, 2023

Re: 110 and 112 Hunters Lane
Shell Buildings
Commercial Site Plan

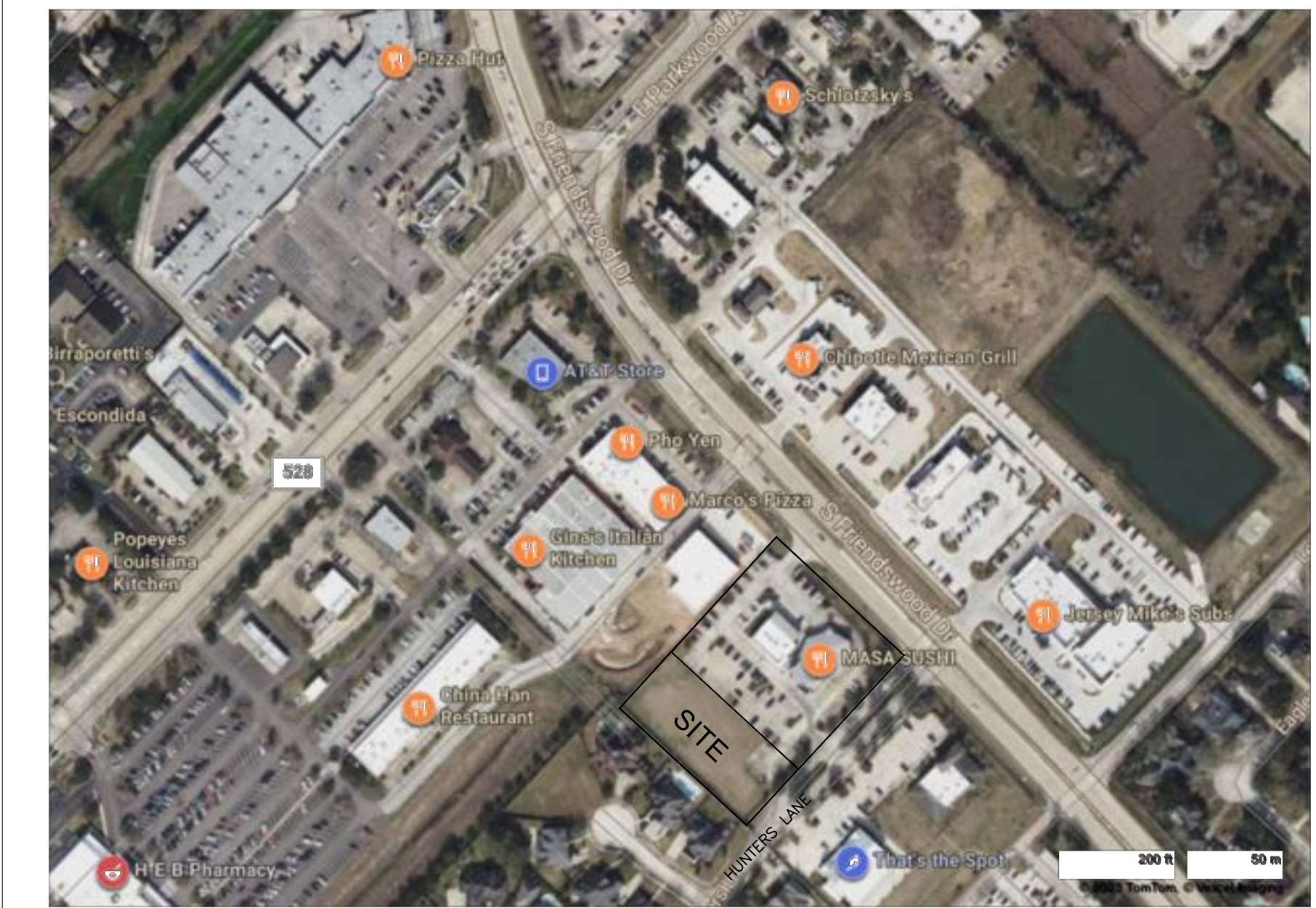
Project Description: The proposed project is to construct two new shell, office buildings behind the existing Masa Sushi restaurant and strip center. 110 Hunters Lane will be a 12,000 square foot, two-story building and 112 Hunters Lane will be a 6,000 square foot, single-story building.

The plans were reviewed by staff in the following departments: Planning, Public Works, Engineering, Fire Marshal, Parks, and Police Department. The proposed project appears to be in compliance with current city codes with the following exceptions:

- 1) Correct parking calculations and building square footage per redline

The site plan is subject to approval by the Planning and Zoning Commission.

A PROPOSED SITE PLAN FOR
B Real Estate Corporation
110 & 112 HUNTERS LANE
FRIENDSWOOD, TEXAS



VICINITY MAP $\longleftrightarrow = 200'$

BUILDING USE

COMMERCIAL LEASE SPACE - SHELL BUILDINGS

ZONING

CSC - COMMERCIAL SHOPPING CENTER

CONSTRUCTION TYPE:

NFPA CONSTRUCTION TYPE IIIB (200)

- EXTERIOR IS STEEL BUILDING CONSTRUCTION
- INTERIOR BUILD-OUT TO BE DETERMINED

CITY OF FRIENDSWOOD CODES:

2018 INTERNATIONAL BUILDING CODE
2018 INTERNATIONAL ENERGY CONSERVATION CODE
2018 INTERNATIONAL FIRE CODE
2018 INTERNATIONAL MECHANICAL CODE
2018 INTERNATIONAL PLUMBING CODE
2020 NATIONAL ELECTRICAL CODE

NOTE: APPROVAL OF THE SITE PLAN WILL EXPIRE ONE YEAR AFTER THE APPROVAL BY THE COMMISSION. UPON EXPIRATION OF THAT TIME, THE APPLICANT MUST RESUBMIT A SITE PLAN THAT CONFORMS TO CURRENT ORDINANCES PROVIDED, HOWEVER, THE APPLICANT MAY REQUEST AN EXTENSION IN WRITING, WHICH MAY BE GRANTED BY THE COMMISSION, FOR A PERIOD NOT TO EXCEED A TOTAL OF (6) SIX MONTHS.

LIST OF DRAWINGS:

- | | |
|-----|--------------------|
| C-1 | COVER SHEET |
| C-2 | OVERALL SITE PLAN |
| C-3 | ENLARGED SITE PLAN |
| C-4 | PHOTOMETRIC PLAN |

ARCHITECTURAL

- A-0 EXTERIOR RENDERINGS
- A-1 BUILDING A EXTERIOR ELEVATIONS
- A-2 BUILDING A EXTERIOR ELEVATIONS
- A-3 BUILDING A FLOOR PLAN
- A-4 BUILDING A CLERESTORY PLAN
- A-5 BUILDING A ROOF PLAN
- A-6 BUILDING B EXTERIOR ELEVATIONS
- A-7 BUILDING B EXTERIOR ELEVATIONS
- A-8 BUILDING B FLOOR PLAN
- A-9 BUILDING B CLERESTORY PLAN
- A-10 BUILDING B ROOF PLAN

STRUCTURAL

- | | |
|-------|--|
| S1.1 | METAL BUILDING NOTES |
| S1.2 | METAL BUILDING NOTES/DETAILS |
| S2.1 | METAL BUILDING FOUNDATION |
| S2.2 | METAL BUILDING FOUNDATION DETAILS |
| S3.1 | METAL BUILDING ANCHOR BOLT PLAN |
| S3.2 | METAL BUILDING ANCHOR BOLT DETAILS |
| S4.1 | METAL BUILDING ERECTION DRAWINGS COVER |
| S4.2 | METAL BUILDING ROOF FRAMING |
| S4.3 | METAL BUILDING CROSS SECTION |
| S4.4 | METAL BUILDING CROSS SECTION |
| S4.5 | METAL BUILDING ENDWALL FRAMING |
| S4.6 | METAL BUILDING ENDWALL FRAMING |
| S4.7 | METAL BUILDING SIDEWALL FRAMING |
| S4.8 | METAL BUILDING SIDEWALL FRAMING |
| S4.9 | METAL BUILDING ERECTION DRAWINGS |
| S4.10 | METAL BUILDING ERECTION DRAWINGS |
| S4.11 | METAL BUILDING ERECTION DRAWINGS |

CIVIL

- | | |
|----|---|
| 1 | DRAWING INDEX & MAPS |
| 2 | GENERAL CONSTRUCTION NOTES |
| 3 | GENERAL CONSTRUCTION NOTES |
| 4 | TOPOGRAPHIC SURVEY |
| 5 | DEMOLITION PLAN |
| 6 | SITE PLAN |
| 7 | PRELIMINARY DRAINAGE PLAN |
| 8 | PRELIMINARY DRAINAGE CALCULATIONS |
| 9 | PRELIMINARY UTILITY PLAN |
| 10 | SANITARY SEWER AUGMENT PLAN |
| 11 | PRELIMINARY GRADING PLAN |
| 12 | SWPPP |
| 13 | BARRICADE AND MISC. DETAILS |
| 14 | FENCES AND GATES STANDARD DETAILS |
| 15 | METER AND VAULT STANDARD DETAILS |
| 16 | PAVING STANDARD DETAILS |
| 17 | PERMANENT PAVEMENT MARKING STANDARD DETAILS |
| 18 | SANITARY SEWER STANDARD DETAILS |
| 19 | SANITARY SEWER STANDARD DETAILS |
| 20 | SWPPP STANDARD DETAILS |
| 21 | SWPPP STANDARD DETAILS |
| 22 | STORM SEWER STANDARD DETAILS |
| 23 | STORM SEWER STANDARD DETAILS |
| 24 | WATER DISTRIBUTION STANDARD DETAILS |
| 25 | WATER DISTRIBUTION STANDARD DETAILS |

COVER SHEET

PROJ.: 798 R.E.C.

DATE: 06-10-23

DRAWN BY: MR

C-1

11-01-23 = REVISIONS

A PROPOSED COMMERCIAL DEVELOPMENT FOR
7798 Real Estate Corporation
110 & 112 HUNTERS LANE

A PROPOSED COMMERCIAL DEVELOPMENT
798 Real Estate
110 & 112 HUNTERS LANE
Friendswood, Texas

MARCUS RIVES
DESIGNER

DESIGNER
713.816.0047
2886 RIDGE

2886 BRIDLE PATH LANE
FRIENDSWOOD, TEXAS 77569

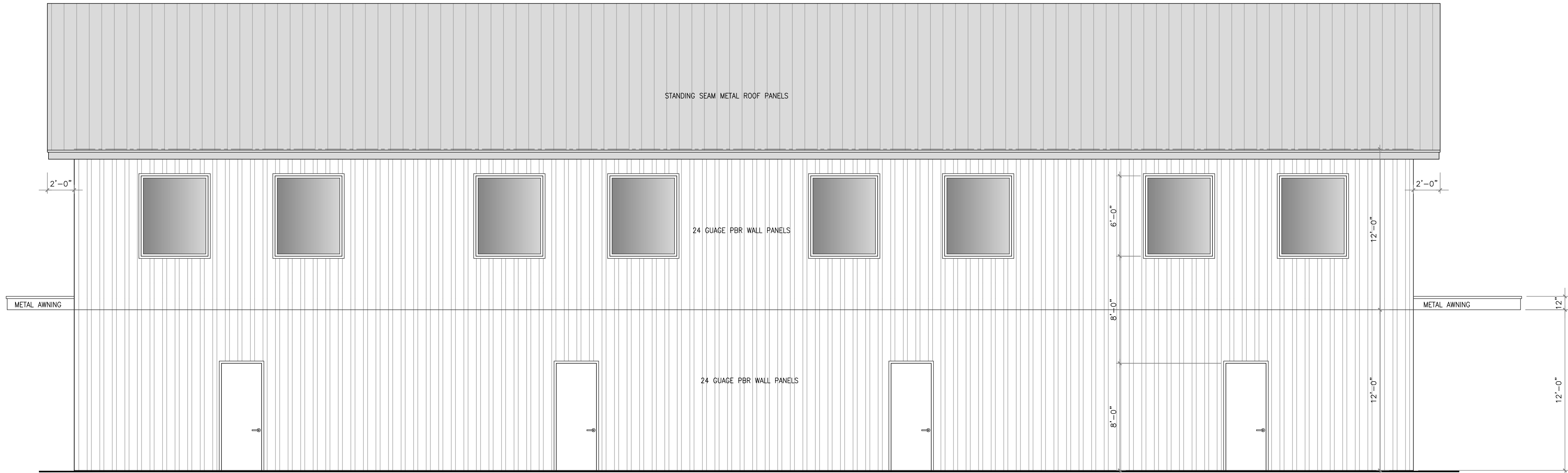
MARCUS RIVES, DESIGNER IS A PROFESSIONAL BUILDING DESIGN FIRM. IT IS NOT AN ENGINEERING FIRM. WE ARE NOT QUALIFIED TO, NOR LICENSED TO, DESIGN STRUCTURAL FRAMING OR FOUNDATIONS. A LICENSED PROFESSIONAL ENGINEER SHOULD BE CONSULTED REGARDING THE FRAMING AND FOUNDATION. SHOULD AN ENGINEER'S SEAL BE PRESENT ON THESE DRAWINGS, THE ENGINEER OF RECORD SHALL BEAR THE RESPONSIBILITY FOR THE STRUCTURAL DESIGN. MARCUS RIVES, DESIGNER WILL NOT BE HELD RESPONSIBLE FOR THE STRUCTURAL DESIGN IN ANY WAY AND/OR ANY PROBLEMS WHICH MAY ARISE.



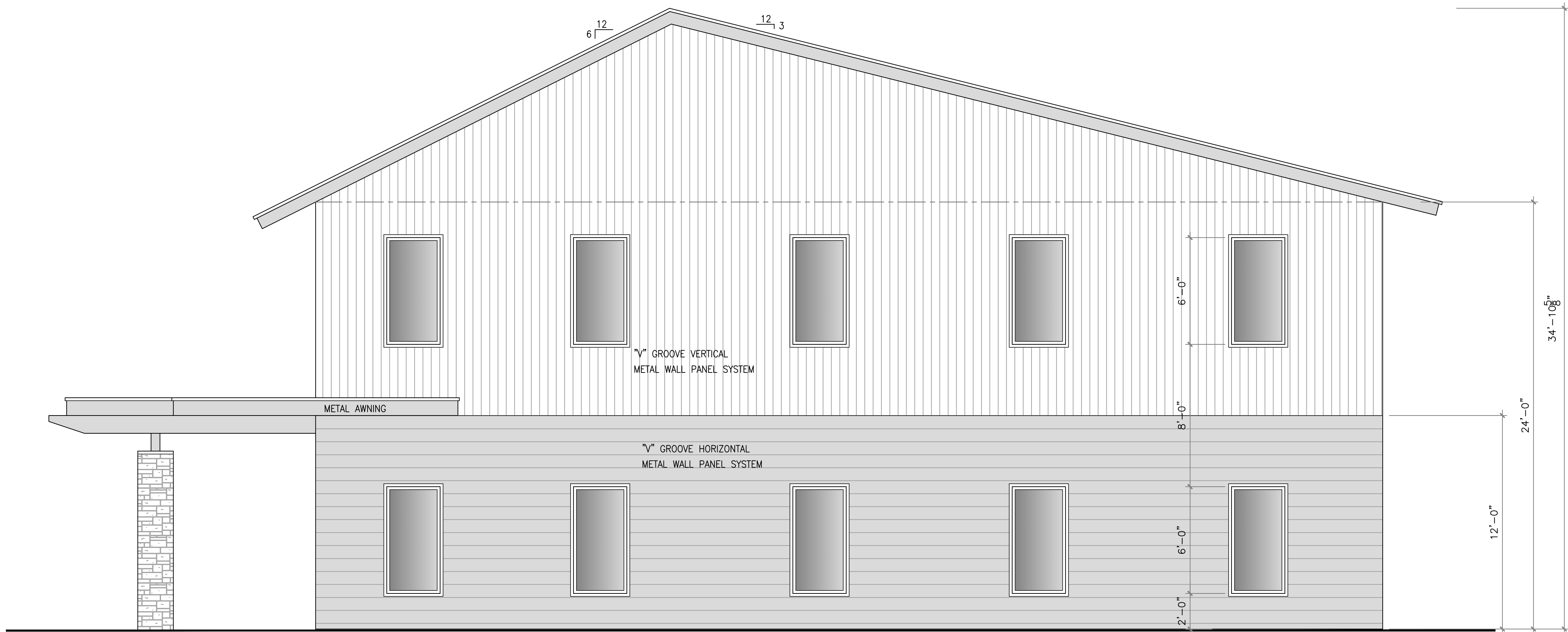
- ALL STOREFRONT WINDOW/DOOR UNITS TO BE BRONZE FINISH
(RATED FOR WINDSTORM)



A-1



rear
Hunter's Creek Houses side



right side
alley side

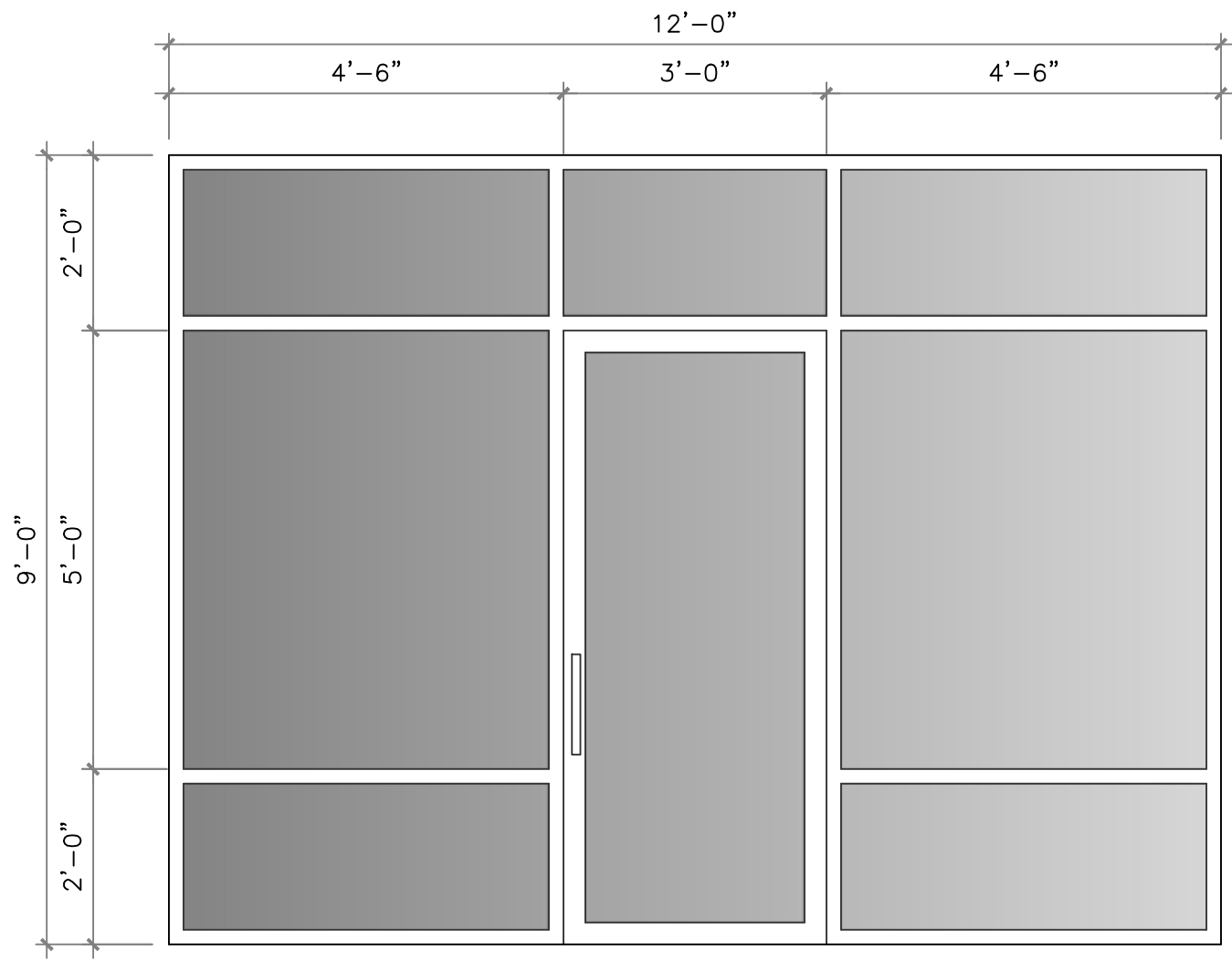
BUILDING A
EXTERIOR ELEVATIONS

A PROPOSED COMMERCIAL DEVELOPMENT FOR
798 Real Estate Corporation

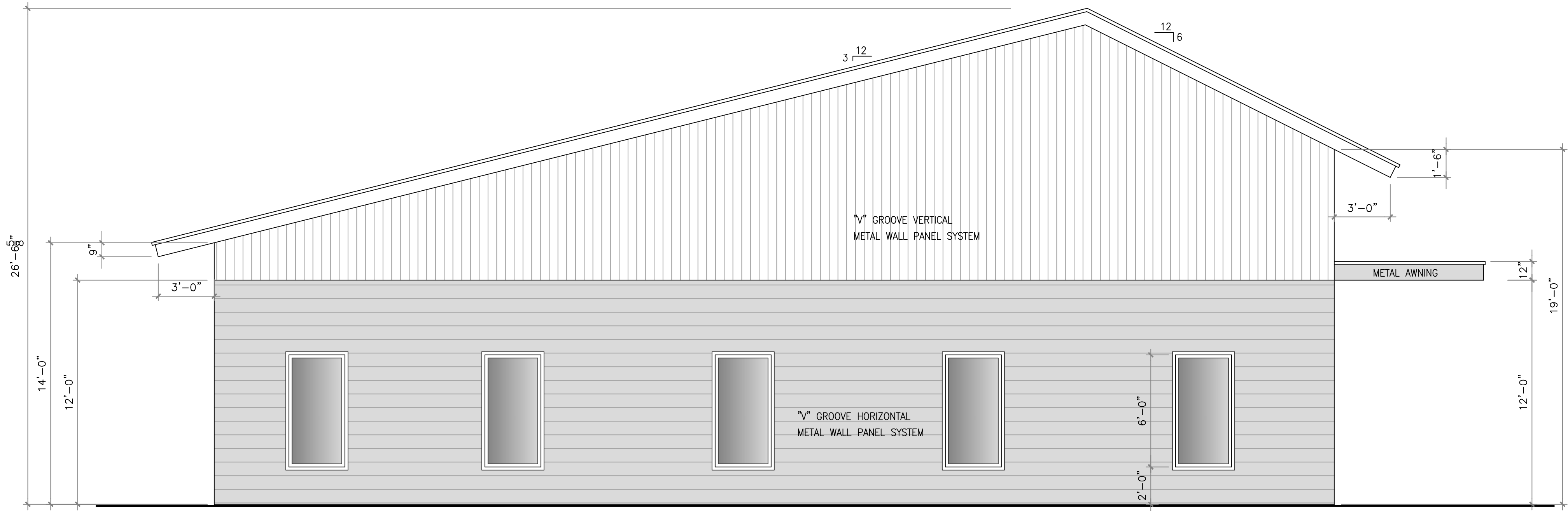
MARCUS RIVES, DESIGNER IS A PROFESSIONAL ENGINEER, LICENSED IN THE STATE OF TEXAS. HE IS NOT AN ENGINEERING FIRM. WE ARE NOT QUALIFIED TO NOR LICENSED TO PROVIDE DESIGN SERVICES FOR THIS PROJECT. A LICENSED PROFESSIONAL ENGINEER SHOULD BE CONSULTED FOR ALL DESIGN SERVICES. THE DESIGNER'S RESPONSIBILITY IS TO PROVIDE THE DESIGN SERVICES AS SHOWN ON THESE ELEVATIONS. THE DESIGNER'S RESPONSIBILITY IS NOT TO BE HELD RESPONSIBLE FOR ANY PROBLEMS WHICH MAY ARISE FROM ANY AND/OR ANY PROBLEMS WHICH MAY ARISE.

PROJ.: 798 R.E.C.
DATE: 06-10-23
DRAWN BY: MR

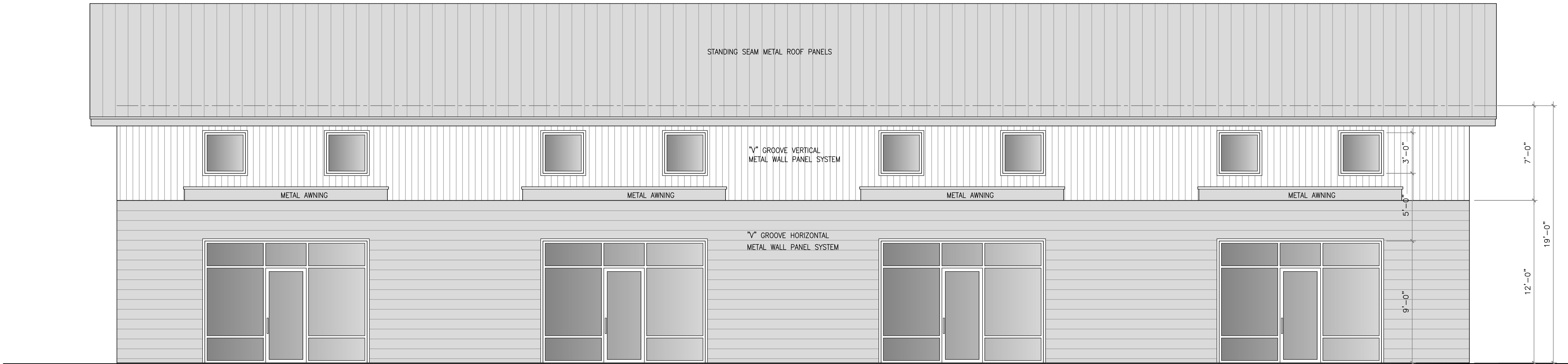
MARCUS RIVES
DESIGNER
713.816.0047
2886 BRIDLE PATH LANE
FRIENDSWOOD, TEXAS 77546



enlarged storefront elevation w/ door
1/2" = 1'-0"
- ALL STOREFRONT WINDOW/DOOR UNITS TO BE BRONZE FINISH
(RATED FOR WINDSTORM)



left side
Hunter's Lane side



front
parking lot side

11-01-23 = REVISIONS
REVISION: CHANGED BUILDING "B" TO SINGLE STORY BUILDING

BUILDING B EXTERIOR ELEVATIONS 1/4" = 1'-0"	A PROPOSED COMMERCIAL DEVELOPMENT FOR 798 Real Estate Corporation 112 HUNTERS LANE Friendswood, Texas		A PROPOSED COMMERCIAL DEVELOPMENT FOR 11-01-23 = REVISIONS 11-01-23 = REVISIONS	MARCUS RIVES DESIGNER 713.816.0047 2886 BRIDLE PATH LANE FRIENDSWOOD, TEXAS 77546
	PROJ.: 798 R.E.C. DATE: 06-10-23 DRAWN BY: MR			

A-6



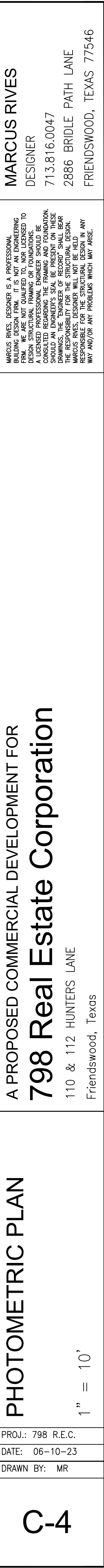
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A PROPOSED COMMERCIAL DEVELOPMENT FOR
798 Real Estate Corporation
110 & 112 HUNTERS LANE
Friendswood, Texas

EXTERIOR ELEVATIONS

PROJ.: 798 R.E.C.
DATE: 06-10-23
DRAWN BY: MR

A-0





FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: November 16, 2023

Subject: Consider approving a site plan amendment at 1 Oak Tree to add a parking lot containing 23 new parking spaces.

Action:

SUMMARY / ORIGINATING CAUSE

The proposed project is to construct an additional parking lot to serve 1 Oak Tree Drive, a veterinary clinic, and its future expansion. The building expansion will be presented to the Commission separately, at a later date.

The parking lot construction will include upgrading the landscaping to offset the additional paved area. The applicant is proposing an alternative landscape plan be considered by the Commission. City ordinance would require 21 perimeter trees and 8 buffer trees. The site contains 19 mature, existing trees already and the owner would install 7 additional new trees, totaling 26 trees instead of 29 trees.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

Expanding the parking area will provide for the parking for a future addition to the building.

RECOMMENDATIONS

The plans were reviewed by staff in the following departments: Planning, Public Works, Engineering, Fire Marshal, Parks, and Police Department. The proposed project appears to be in compliance with current city codes. The site plan is subject to approval by the Planning and Zoning Commission.

ATTACHMENTS

1. Compliance Memo_1 Oak Tree Dr
2. Site and landscape Plan_1 Oak Tree Dr

Memo

To: Planning and Zoning Commission
From: Becky Bennett, Assistant Planner
Date: November 13, 2023
Re: 1 Oak Tree Drive
Additional Parking Lot
Commercial Site Plan Amendment

Project Description: The proposed project is to construct an additional parking lot to serve 1 Oak Tree Drive, a veterinary clinic, and its future expansion. The building expansion will be presented to the Commission separately, at a later date.

The parking lot construction will include upgrading the landscaping to offset the additional paved area.

The applicant is proposing an alternative landscape plan be considered by the Commission. City ordinance would require 21 perimeter trees and 8 buffer trees. The site contains 19 mature, existing trees already and the owner would install 7 additional new trees, totaling 26 trees instead of 29 trees.

The plans were reviewed by staff in the following departments: Planning, Public Works, Engineering, Fire Marshal, Parks, and Police Department. The proposed project appears to be in compliance with current city codes.

The site plan is subject to approval by the Planning and Zoning Commission.

The site plan illustrates a commercial property layout with the following key features and dimensions:

- Parking Areas:**
 - NEW PARKING: 23 SPACES ZONED: OPD** (top right): Includes new landscape areas (hatched green), new painted striping, new paving (shaded), and a new dumpster location (HT. STAINED CEDAR FENCE ON STEEL POSTS MAX. 8' O.C. WITH OPERABLE CLOSING PARTITIONS).
 - 9 SPACES** (bottom left): Adjacent to Oak Tree Dr, featuring existing paving to remain (hatched), new paving (shaded), and new painted striping.
- Building and Additions:**
 - PHASE 2 - TWO STORY BUILDING** (1ST - 3,304 SF, 2ND - 587 SF) with a **NEW FINISH FLOOR ELEVATION TO MATCH EXISTING**.
 - EXISTING SINGLE STORY SHOWN** (3,404 SF) with hatched areas.
 - NEW ADDITION** 56' - 5" on the right side.
- Access and Easements:**
 - ACCESSIBLE ROUTE** (8' - 10") and **ACCESS EASEMENT (20')** are shown for vehicle and pedestrian access.
 - PROPERTY LINE** and **BUILDING LINE (40')** are clearly marked.
 - WATER LINE EASEMENT** and **16' - 0" UTILITY EASEMENT** are also indicated.
- Other Features:**
 - OAK TREE DR** (63' - 54' wide) runs along the left side.
 - NEW LANDSCAPE AREA SHOWN HATCHED GREEN** is located in several strategic spots.
 - RELOCATED AIR CONDENSING UNITS** and **EXISTING FENCE TO REMAIN** are noted on the right.
 - NEW SIDEWALK** and **GRATE COVERED DRAINAGE TROUGH** are shown for pedestrian infrastructure.
- Dimensions and Notes:**
 - Overall dimensions include 105.00' on the top right, 154.94' on the bottom right, and 158.13' on the bottom.
 - NOTE:** CLEAN ALL EXISTING CONCRETE. REMOVE VEGETATION AND CLEAN OUT ALL JOINTS. RESEAL JOINTS WITH JOINT SEALER AND PAINT STRIPING AS NOTED.

TRUE NORTH PLAN NORTH

25'-6" MAX. PHASE 2 HT.

PROPOSED PHASE 2

EXISTING BUILDING

11 OF 49



FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: November 16, 2023

Subject: Consider cancelling the Planning and Zoning Regular Meeting scheduled for Thursday, December 28, 2023, due to the holidays.

Action:

SUMMARY / ORIGINATING CAUSE

This item allows the Commission to consider cancelling the December 28th meeting since it falls between Christmas and New Year's holidays.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

ATTACHMENTS



FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: November 16, 2023

Subject: Receive a legislative update from Karen Horner, City Attorney.

Action:

SUMMARY / ORIGINATING CAUSE

Karen Horner, City Attorney, will provide a summary of actions taken by the Texas 88th legislature that will affect subdivision, zoning, and planning related activities.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

ATTACHMENTS

1. 2023 Legislative Session - P&Z

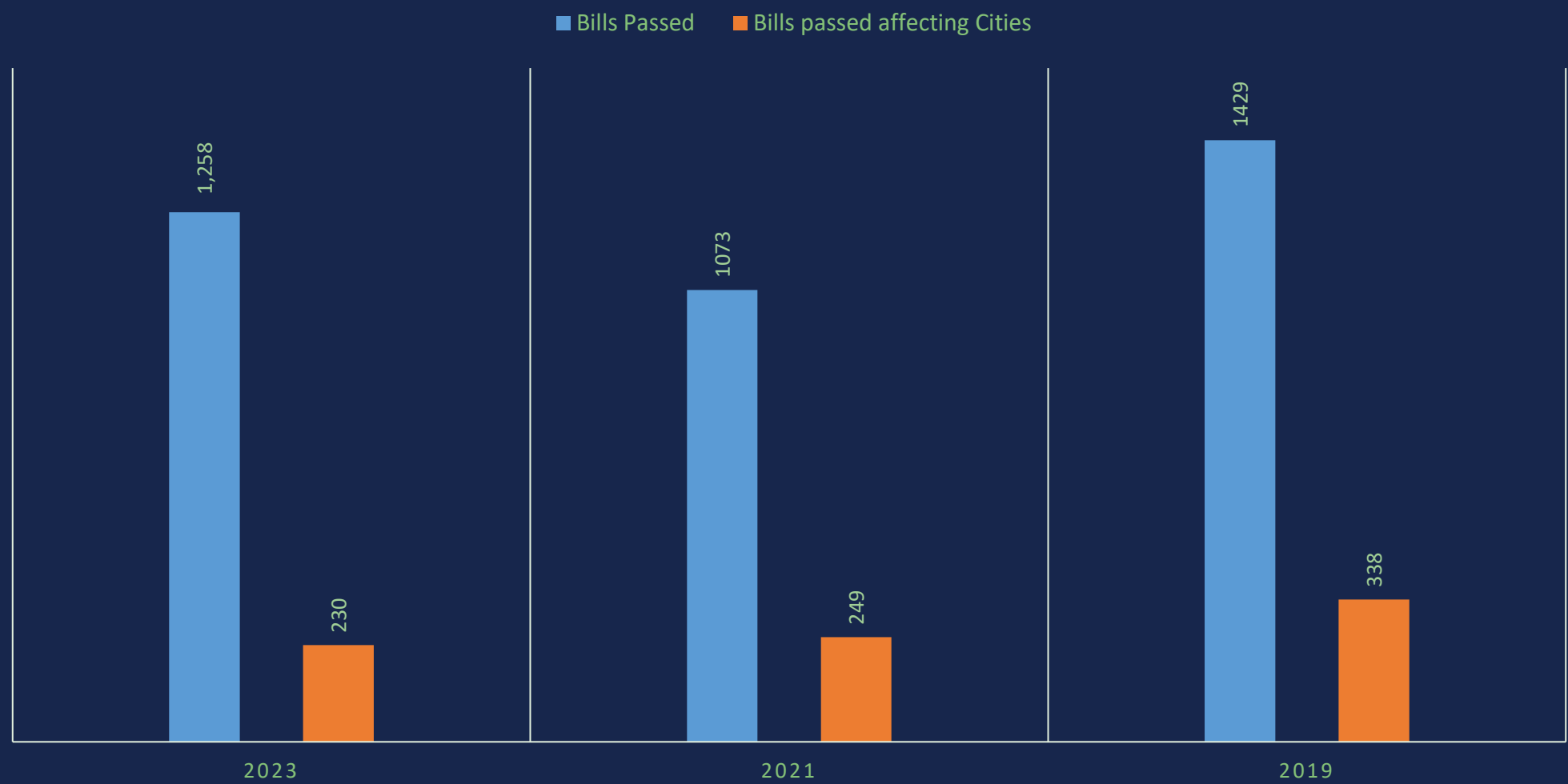
Legislative Update

Regular Session of the 88th Legislature

REGULAR SESSION OVERVIEW

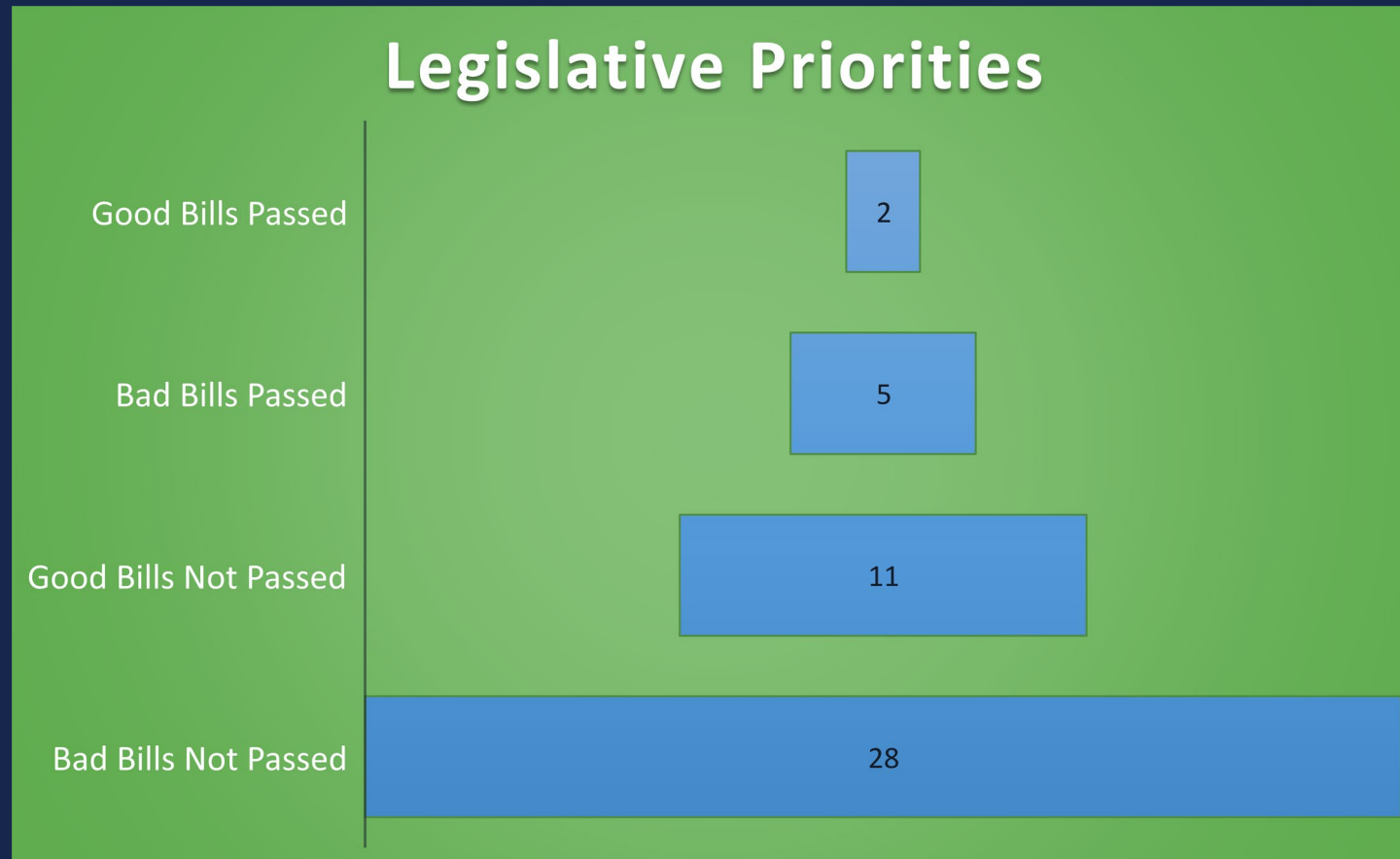


Bills Passed



Legislative Priorities

The City Council identified 60 bills (14 companion bills) in its legislative priorities:



THE GOOD



Bill	Caption
HB 1381	P&Z Public Hearing: Relating to the public hearing requirement for a preliminary zoning report made by a zoning commission
HB 1492/SB 543	Chapter 380 Property Conveyance: Relating to the conveyance of property by a municipality for the public purpose of economic development (Effective Immediately)



THE BAD

Bill	Caption
HB 14	Third Party Review: Relating to third-party review of plats and property development plans, permits and similar documents, and the inspection of an improvement related to such a document.
HB 1922	Reauthorization of Building Fees: Relating to periodic reauthorization of municipal building fees. (Effective January 1, 2024)

THE UGLY



Bill	Caption
HB 2127/SB 814	Texas Regulatory Consistency Act: Relating to state preemption of certain municipal and county regulations.

Express Preemptions

Potential Preemptions

Creates a Cause of Action

Requires 3 Months Notice
of a Claim

THE UGLY – Express Preemption



- ☐ Certain employment matters of employers other than those of the City that exceed/conflict with state or federal law
 - ☐ Hiring
 - ☐ Breaks
 - ☐ Benefits
- ☐ Breeding, care, treatment and sale of animals/animal products if the person holds a federal or state license
- ☐ Eviction regulations – cannot restrict, prohibit or delay

THE UGLY – Possible Preemption



☐ The City may not regulate conduct in “a field of regulation that is occupied” by a provision of the following codes:

- ☐ Agriculture Code
- ☐ Business & Commerce Code
- ☐ Finance Code
- ☐ Insurance Code
- ☐ Labor Code
- ☐ Local Government Code §229.901 (authority to regulate animal businesses)
- ☐ Natural Resources Code
- ☐ Occupations Code
- ☐ Property Code

THE UGLY – No Preemption



- ☐ Message Establishments
- ☐ Retail Sale of Dogs/Cats
 - (if ordinance is in place on April 1, 2023, but only until state adopts statewide regulation)
- ☐ Roadway Construction/Maintenance/Tax
- ☐ Policies Related to City Employees/Collective Bargaining
- ☐ Public Awareness Campaign
- ☐ Payday Lending
 - (only if ordinance in place on January 1, 2023)
- ☐ No Less Authority than General Law City

State of Texas v. City of Houston, et al



Land Use

Bill	Caption
HB 1707	Charter Schools: Relating to the applicability of certain laws to open-enrollment charter schools.
HB 1750/HJR 126	Ag Operations: Relating to the applicability of certain city requirements to agricultural operations. (if constitutional amendment is approved on November 7, 2023)
HB 3699	Plans & Plats: Relating to municipal regulation of subdivisions and approval of subdivision plans or plats.
SB 929	Compensation for Non-conforming Use: Relating to the notice and compensation a municipality must provide before revoking the right to use property for a use that was allowed before the adoption of or change to a zoning regulation or boundary. (Effective immediately)

Finance

Bill	Caption
HB 3492	No Value-based Fee: Relating to county and municipal authority to impose certain value-based fees and require disclosure of certain information related to subdivision construction.
SB 1340	Tax Abatement Database: Relating to the local development agreement database maintained by the comptroller of public accounts. (Effective January 1, 2024)

Open Government

Bill	Caption
HB 3033	PIA Changes: Relating to the public information law.
HB 3440	Agenda Postings: Relating to the governmental bodies required to post on the Internet agendas for meetings under the open meetings law.

Miscellaneous

Bill	Caption
SB 232	Removal from Office: Relating to the removal from office of an officer of a political subdivision for commission of certain criminal offenses.
SB 1893	TikTok: Relating to prohibiting the use of certain social media applications and services on devices owned or leased by governmental entities. (Effectively Immediately)



FRIENDSWOOD PLANNING & ZONING COMMISSION AGENDA ITEM FORM

Meeting Date: November 16, 2023

Subject: Receive the October 2023 DRC Report, Council Liaison updates concerning action taken by the City Council on Planning and Zoning related items, and Commissioner comments concerning items of community interest and/or requesting future agenda items.

Action:

SUMMARY / ORIGINATING CAUSE

The October DRC Report is attached for review.

IMMINENT CONSEQUENCES / BENEFIT TO COMMUNITY

RECOMMENDATIONS

ATTACHMENTS

1. October 2023 DRC Report

COMMUNITY DEVELOPMENT DEPARTMENT
MONTHLY DRC REPORT
OCTOBER 2023



Project	Current Zoning	Zone Change Required? Y/N	Issues discussed	Location
3508 FM 528 Existing structure – re-occupy with 5,000sqft retail and 4,000sqft warehouse in existing party supply store	NC	No	☐ Zone change ☒ Meets Future Land Use Map – commercial frontage ☐ Plat required ☐ Eligible for Certificate of Platting Exemption - issued ☒ Site plan approval ☒ Community Overlay District (300 feet) ☐ Downtown District ☒ Water Available – existing ☒ Sewer Available – existing ☒ On-site detention required ☐ May be eligible for regional detention ☐ High hazard flood zone(s) – Unshaded X and Shaded X ☐ Pipelines and abandoned oil wells ☒ TxDOT Permits required Misc Notes: Parking exists where landscaping would go; non-conforming pole sign is existing	

104 Whispering Pines Ave Existing structure – re-occupy with gym	DD	No	☐ Zone change ☒ Meets Future Land Use Map ☐ Plat required – existing plat ☐ Eligible for Certificate of Platting Exemption ☐ Site plan approval – no exterior modifications ☐ Community Overlay District ☒ Downtown District ☒ Water Available - existing ☒ Sewer Available - existing ☐ On-site detention required ☐ Eligible for regional detention – make request to GCCDD ☐ High hazard flood zone(s) ☐ Pipelines and abandoned oil wells ☐ TxDOT Permits required Misc Notes:	
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