

**TOMBALL**  
COUGAR COUNTRY

# CITY OF TOMBALL

## 2023 WATER AND WASTEWATER IMPACT FEE UPDATE

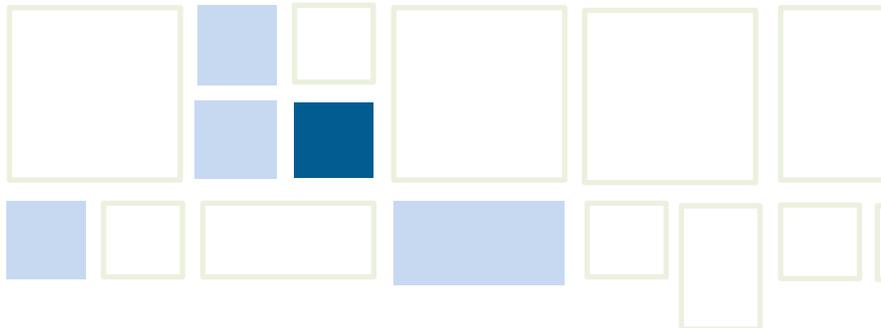
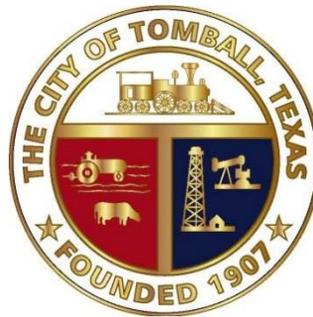


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City of Tomball

**PREPARED BY:**

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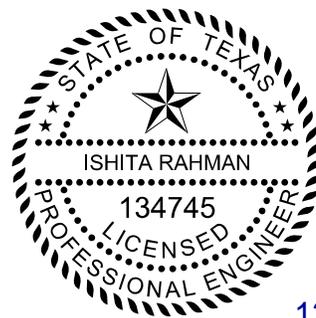
## City of Tomball



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FNI Project Number: TMB22779

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## 1.0 BACKGROUND AND SCOPE

The City of Tomball (City) currently assesses water and wastewater impact fees for eligible capital improvement projects and facility expansions. These impact fees are implemented under the procedure outlined in Chapter 395 of the Texas Local Government Code (TLGC). Impact fees are defined in Chapter 395 of the TLGC 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.” The methodology used herein satisfies the requirements of the TLGC Chapter 395 for impact fees. A copy of the TLGC Chapter 395 is included in **Appendix A**.

### 1.1 TEXAS LOCAL GOVERNMENT CODE

In September 2001, Texas Senate Bill 243 amended Chapter 395 establishing the current procedure for implementing impact fees. Chapter 395 requires an impact fee analysis before impact fees can be created, updated, and assessed. 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 infrastructure 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 plan and only the cost attributed (and necessitated) by new growth over a ten-year period may be considered.

## **1.2 IMPACT FEE UPDATE**

According to TLGC §395.052(a) a political subdivision imposing an impact fee shall update the land use assumptions and capital improvements plan at a minimum of every five years. This report documents Tomball’s update of the water and wastewater impact fee land use assumptions and capital improvement plans, previously updated in 2019. The City retained Freese and Nichols, Inc. (FNI) to conduct this *2023 Water and Wastewater Impact fee Update* (study).

The impact fee update process includes preparation of land use assumptions and development of impact fee eligible CIPs and associated costs. The impact fee calculation is limited to project recommendations within the next 10 years that will serve projected growth. The impact fee eligible water and wastewater capital improvement projects were identified by FNI during this study in collaboration with City staff. This report documents the calculation of the maximum allowable impact fees per service unit equivalents (SUEs) based on the updated land use assumptions and water and wastewater impact fee CIPs. TLGC §395.014(a)(7)(B) allows for “a credit equal to 50 percent of the total projected cost of implementing the capital improvements plan.” This method was utilized for the impact fee calculation during this study.

The impact fee update process includes workshops with the City’s appointed Capital Improvement Plan Advisory Committee (CIPAC) and City Council. The CIPAC’s role is to provide written comments on the proposed amendments to the land use assumptions, capital improvement plans, and impact fee to the City Council. The City Council sets the impact fees to be collected.



### 1.3 LIST OF ABBREVIATIONS

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

**Table 1-1: List of Abbreviations**

Abbreviation	Full Nomenclature
CCN	Certificate of Convenience and Necessity
CIP	Capital Improvements Plan
CIPAC	Capital Improvement Plan Advisory Committee
EST	Elevated Storage Tank
ETJ	Extra-territorial Jurisdiction
FM	Farm to Market
FNI	Freese and Nichols, Inc.
GIS	Geographic Information Systems
gpad	Gallons per acre per day
gpcd	Gallons per capita per day
gpm	Gallons per minute
GPTC	Grand Parkway Town Center
GST	Ground Storage Tank
LS	Lift Station
MGD	Million Gallons per Day
OPCC	Opinion of Probable Construction Cost
SUE	Service Unit Equivalent
TLGC	Texas Local Government Code
WTP	Water Treatment Plant
WWTP	Wastewater Treatment Plant

## 2.0 LAND USE ASSUMPTIONS

Population and 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 Planning Department to develop the 10-year growth projections and land use assumptions during this study. Following this effort, FNI utilized the development projections to identify ongoing/recently completed impact fee eligible capital improvement projects as well as develop future CIP recommendations that were impact fee eligible.

These land use assumptions were utilized to develop the 10-year service unit equivalent (SUE) projections. A service unit is defined as the equivalent to a water or wastewater connection for a single-family residence.

### 2.1 IMPACT FEE SERVICE AREAS

**Figure 2-1** and **Figure 2-2** present the water and wastewater impact fee service areas, respectively. The water impact fee service area includes the existing city limits, Water Certificate of Convenience and Necessity (CCN), and a portion of the City’s Extra-Territorial Jurisdiction (ETJ) and adjacent areas near Telge Road, Lutheran Church Road, Farm to Market (FM) 2920, and Medical Complex Drive. The wastewater impact fee service area includes the existing City limits, Wastewater Certificate of Convenience and Necessity (CCN), and a portion of the City’s Extra-Territorial Jurisdiction (ETJ) and adjacent areas near Telge Road, Lutheran Church Road, Farm to Market (FM) 2920, and Medical Complex Drive, with the exception of the Grand Parkway Town Center (GPTC) development.

### 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.

#### Historical Population

Historical City-wide population is presented in **Table 2-1**. The 2023 population within city limits was calculated utilizing 2021 projected census data and comparing 2021 water meter billing data to



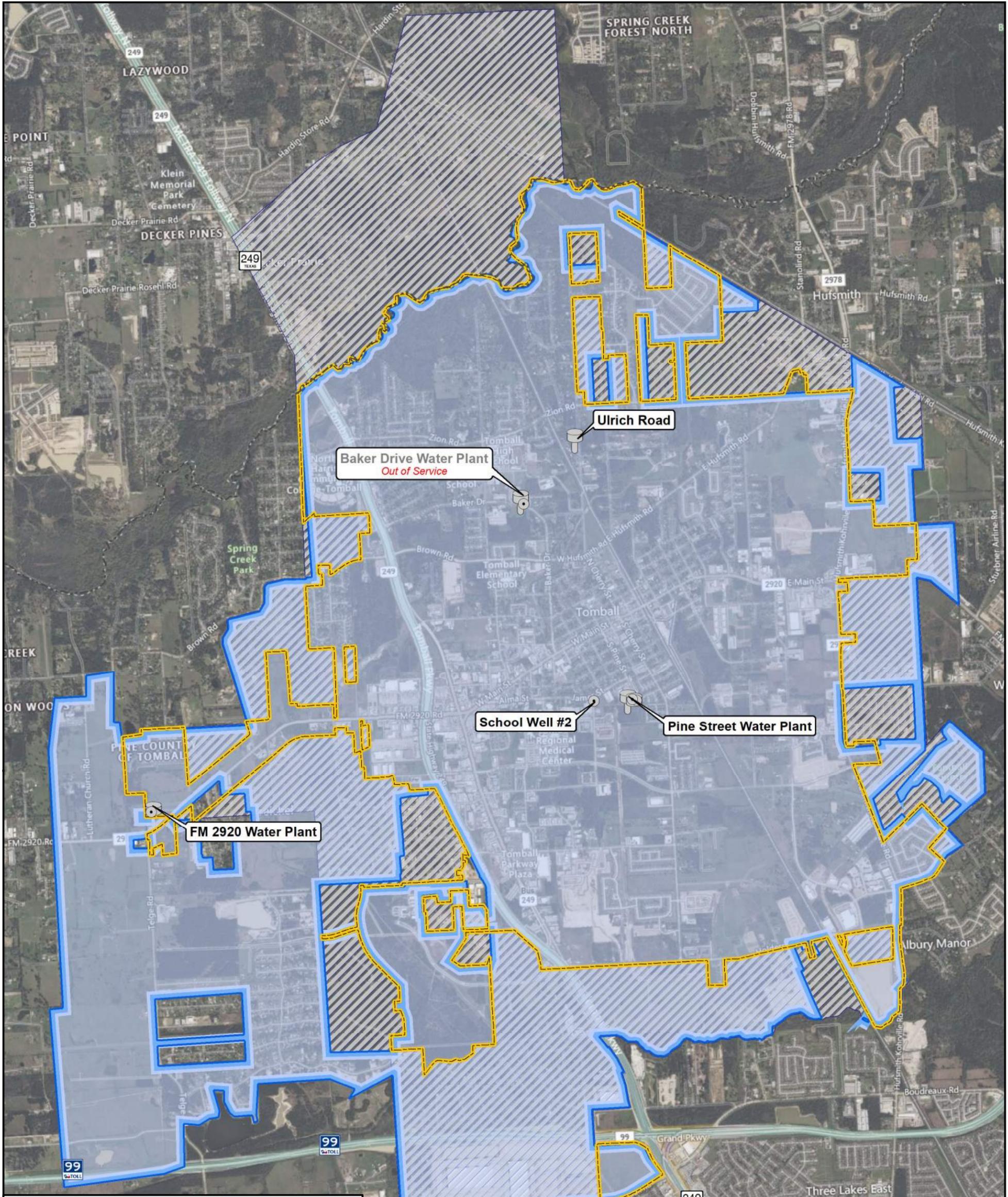
developments completed between 2021 and 2023. The water service area population was estimated by adding the number of customers metered outside city limits. The wastewater service area population was estimated by subtracting the number of customers that are known septic users from the water impact fee service area population. The existing population on septic systems was calculated based on the densities by land use type included in the *2009 Comprehensive Plan* and the estimated population of Boudreaux Estates from the *2019 Water and Wastewater Impact Fee Study*.

The historical population data within city limits shows that since 2017, Tomball has experienced an approximately 3.4% annual average growth rate in population. The City provides water service to some customers outside city limits. Additionally, there is population within the city limits who currently utilize septic services.

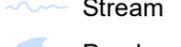
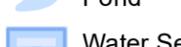
**Table 2-1: Historical Population**

Year	Population <sup>(1)</sup>	Annual Growth Rate
2017	11,653	
2018	11,687	0.3%
2019	11,684	0.0%
2020	12,318	5.4%
2021	12,810	4.0%
2022	13,528	5.6%
2023	14,245	5.3%
<b>Average Annual Growth Rate</b>		<b>3.4%</b>

(1) 2020 City-wide population based on census data. 2017-2019 and 2021 City-wide population based on projected census data. 2023 City-wide population calculated utilizing 2021 projected census data and comparing 2021 geocoded water meter data to recently constructed developments identified via historical aerial imagery. 2022 population interpolated based on 2021 and 2023 data.

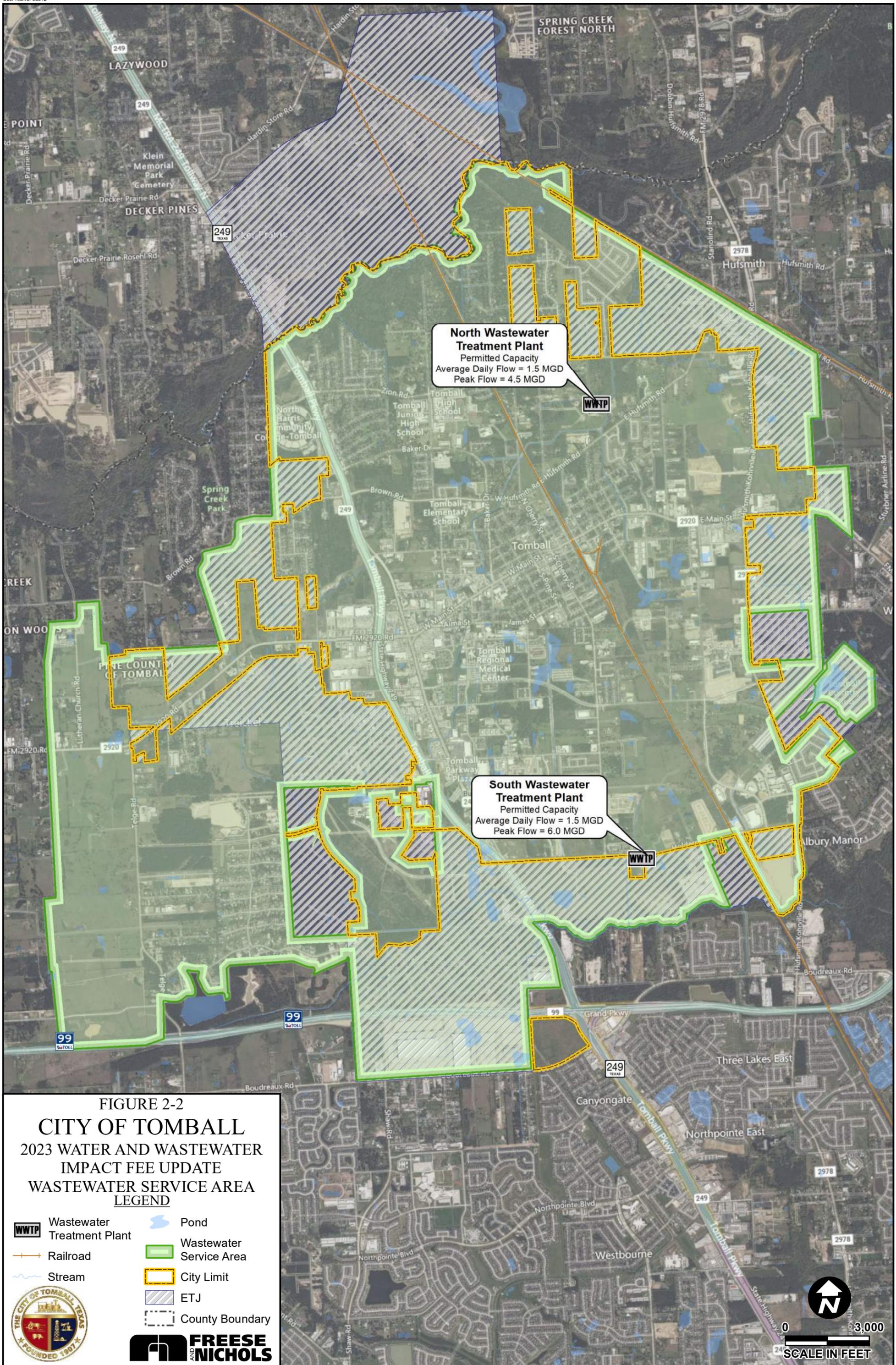


**FIGURE 2-1**  
**CITY OF TOMBALL**  
 2023 WATER AND WASTEWATER  
 IMPACT FEE UPDATE  
 WATER SERVICE AREA  
LEGEND

-  Water Well
-  Elevated Storage Tank
-  Ground Storage Tank
-  Railroad
-  Stream
-  Pond
-  Water Service Area
-  City Limit
-  ETJ
-  County Boundary



0 3,000  
 SCALE IN FEET



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

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

**FIGURE 2-2**  
**CITY OF TOMBALL**  
 2023 WATER AND WASTEWATER  
 IMPACT FEE UPDATE  
 WASTEWATER SERVICE AREA  
**LEGEND**

Wastewater Treatment Plant	Pond
Railroad	Wastewater Service Area
Stream	City Limit
County Boundary	ETJ

**FREESSE AND NICHOLS**

**N**

0 3,000  
**SCALE IN FEET**

## 2.3 PROJECTED FUTURE DEVELOPMENT

The data sets utilized to develop population and commercial acreage projections included:

- Tomball’s Future Land Use Plan, revised November 2019
- Information on known developments from the City’s Planning Department
- Latest parcel shapefile
- Active water meter billing locations and consumption from September 2021
- Active water meter counts per meter size for April 2023
- Existing well and septic connections within the city limits
- Density and growth projection assumptions from the City’s 2009 Comprehensive Plan

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

### Known 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. These anticipated known developments are shown in **blue** on **Figure 2-3**. 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 the November 2019 Future Land Use Plan and density information from the *2009 Comprehensive Plan* to develop residential population and commercial acreage projections when information was unavailable.

### Infill Growth

Where development information was unknown, FNI utilized active water meter locations and future land use information from the City’s latest Future Land Use Plan as shown on **Figure 2-4** to identify developable areas. These areas included currently vacant parcels outside of known developments that are not within the *Park & Open Space* land use type per the November 2019 Future Land Use Plan and primarily not within the 100-year flood plain. Density and growth assumptions for infill parcels were developed utilizing the City’s *2009 Comprehensive Plan* to calculate projected population and commercial acreage. The parcels included in the 10-year land use assumptions are shown in **purple** on **Figure 2-3**.

### Well/Septic Conversions

This category includes connections that are currently on well and/or septic and are projected to connect to the City’s water and wastewater systems in the future. The two areas (R-36 and R-37) west of the existing city limits near Humble Road and Humble Lake Road are currently on wells and septic. These

areas are projected to be served water and wastewater by the City within the 10-year planning period and are shown in **pink** on **Figure 2-3**.

**Additional Areas**

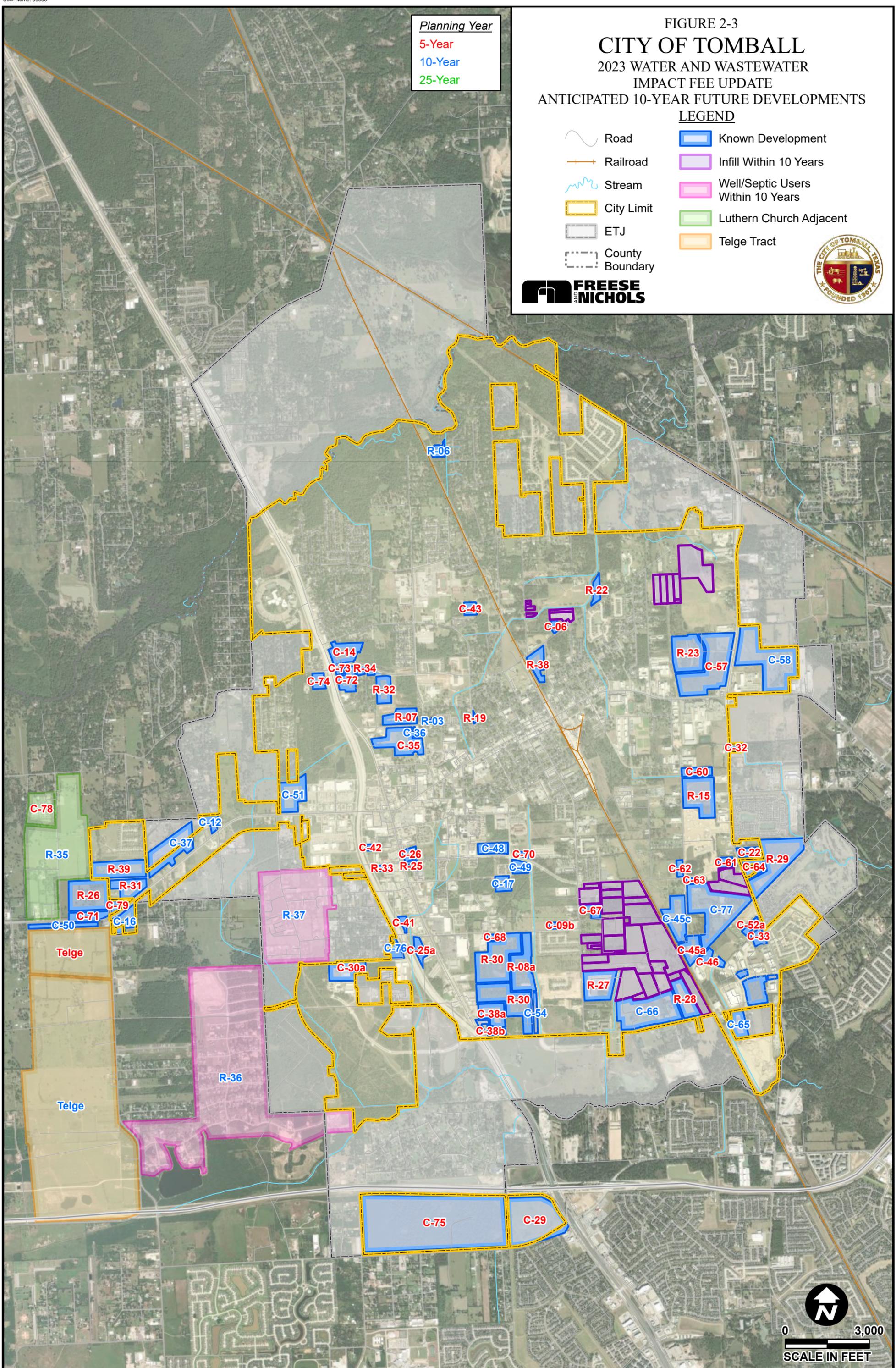
In addition to the areas mentioned above, the City staff anticipates Tomball's future water and wastewater systems to serve areas west of the existing city limits along FM 2920, Telge Road, and Lutheran Church Road. These are mostly residential areas and are shown on **Figure 2-3** as Lutheran Church and adjacent parcels in **green** and Telge Tract in **yellow**. The Lutheran Church area is projected to be developed within the 10-year planning period. The Telge development is anticipated to begin developing within the 10-year planning period and will be completed beyond 10 years.

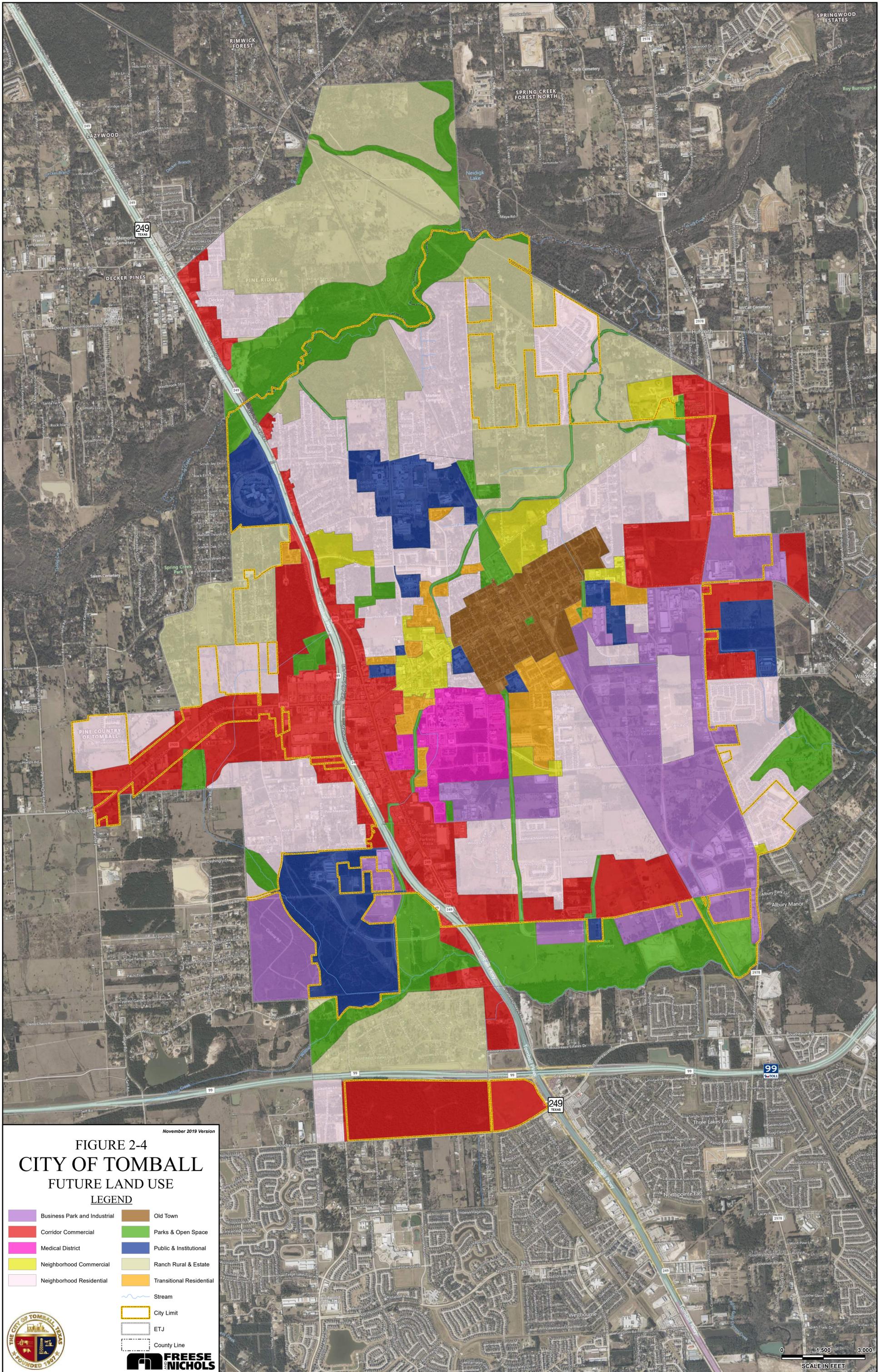
**Planning Year**  
 5-Year  
 10-Year  
 25-Year

FIGURE 2-3  
**CITY OF TOMBALL**  
 2023 WATER AND WASTEWATER  
 IMPACT FEE UPDATE  
 ANTICIPATED 10-YEAR FUTURE DEVELOPMENTS

**LEGEND**

-  Road
-  Railroad
-  Stream
-  City Limit
-  ETJ
-  County Boundary
-  Known Development
-  Infill Within 10 Years
-  Well/Septic Users Within 10 Years
-  Lutheran Church Adjacent
-  Telge Tract





November 2019 Version  
**FIGURE 2-4**  
**CITY OF TOMBALL**  
**FUTURE LAND USE**  
**LEGEND**

- Business Park and Industrial
- Corridor Commercial
- Medical District
- Neighborhood Commercial
- Neighborhood Residential
- Old Town
- Parks & Open Space
- Public & Institutional
- Ranch Rural & Estate
- Transitional Residential
- Stream
- City Limit
- ETJ
- County Line

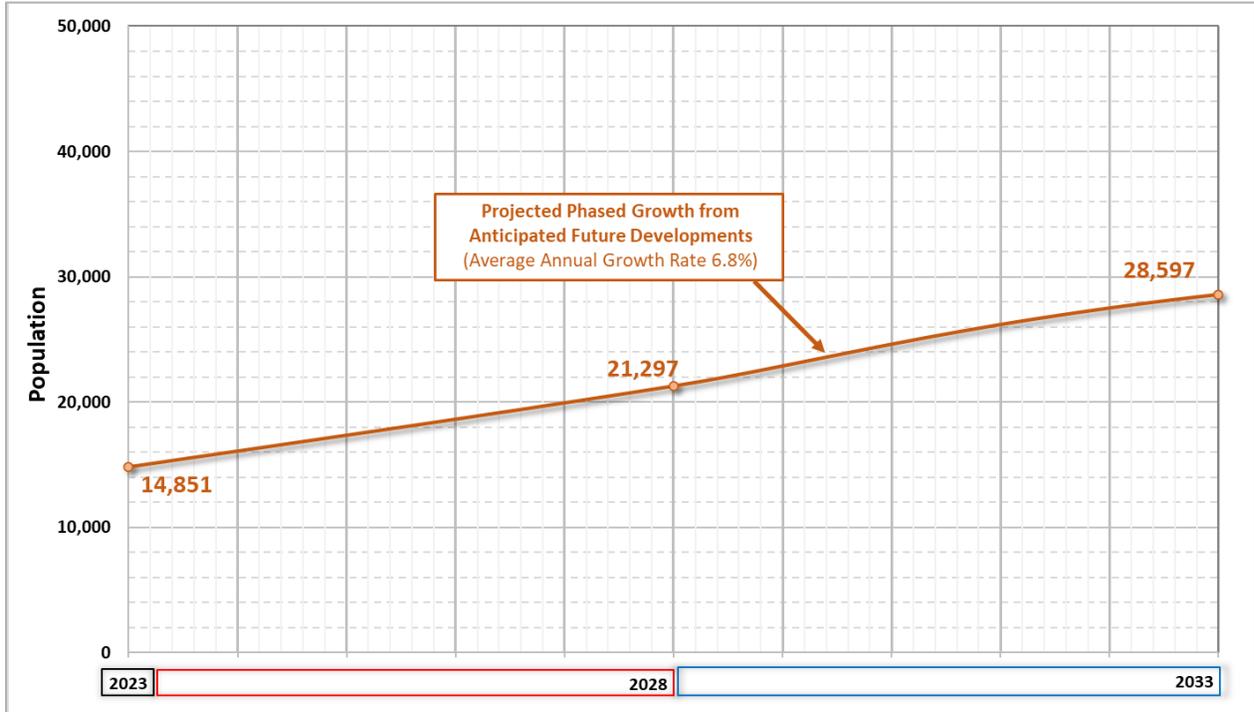


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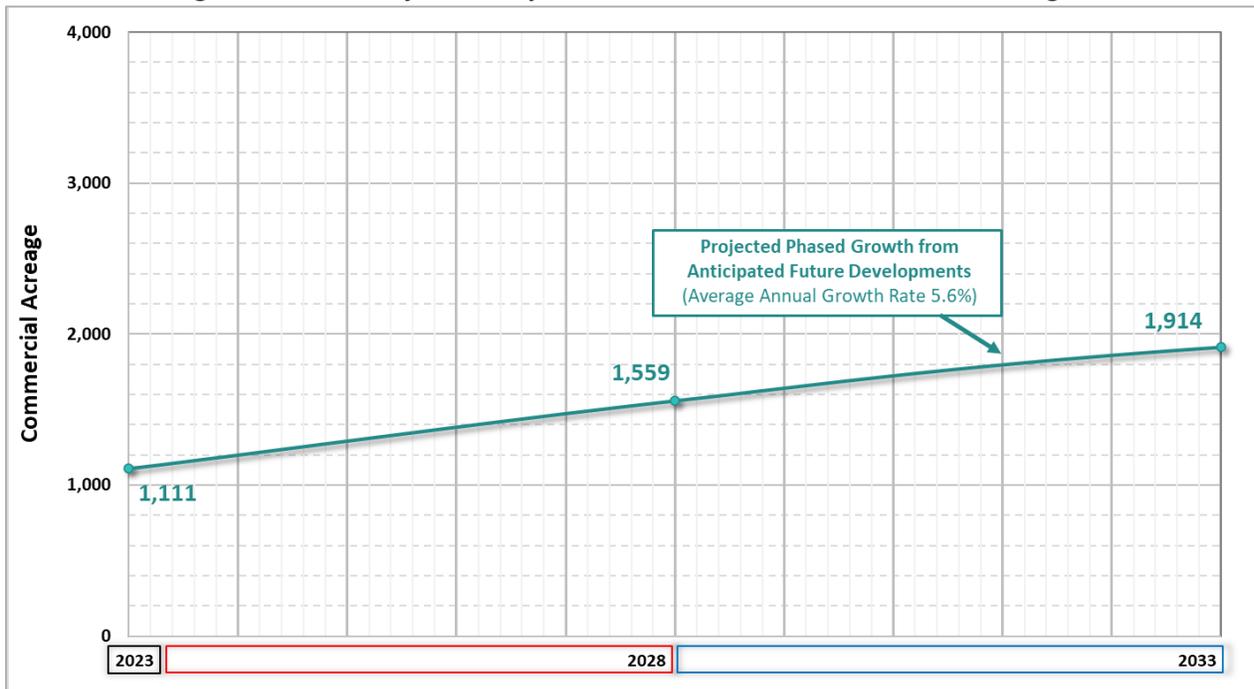
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The 10-year water service area population projections are graphed along with historical population data on **Figure 2-5**. Water 10-year growth in commercial acreage is shown on **Figure 2-6**.

**Figure 2-5: Historical and Projected 10-year Water Service Area Population**

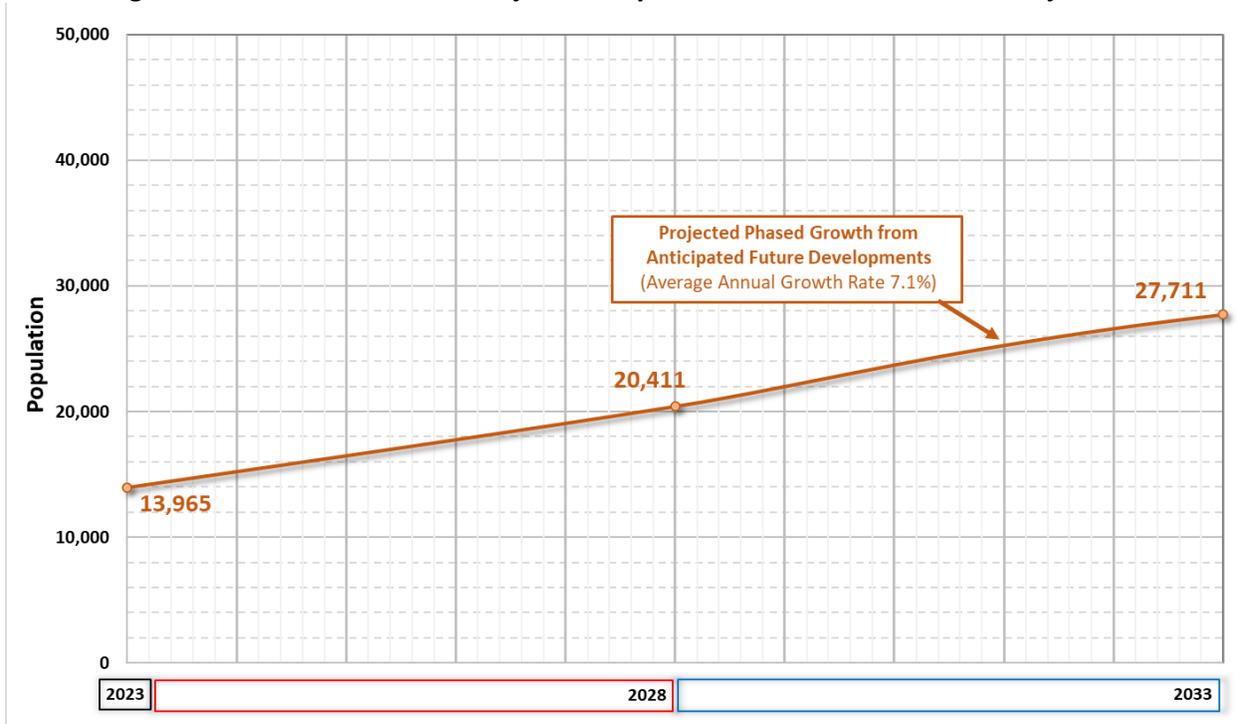


**Figure 2-6: Projected 10-year Water Service Area Commercial Acreage**

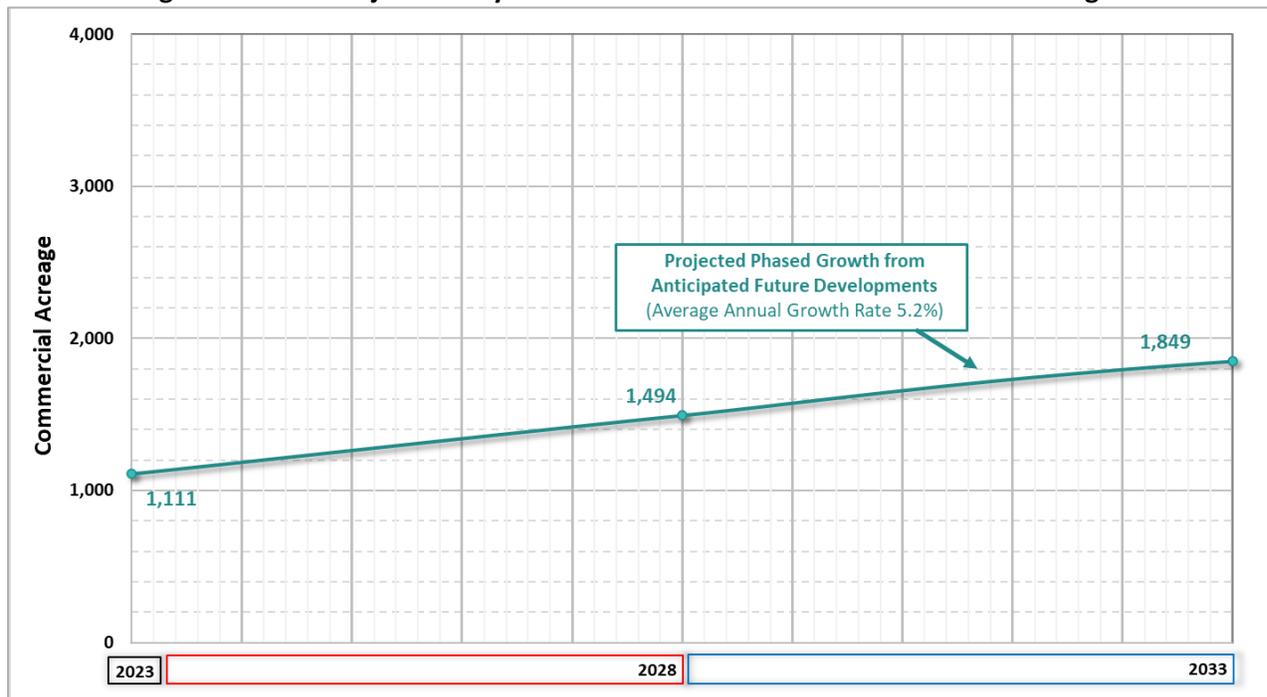


The 10-year wastewater service area population projections are graphed along with historical population data on **Figure 2-7**. Wastewater 10-year growth in commercial acreage is shown on **Figure 2-8**.

**Figure 2-7: Historical and Projected 10-year Wastewater Service Area Projections**



**Figure 2-8: Projected 10-year Wastewater Service Area Commercial Acreage**



The water and wastewater impact fee service areas differ as described in **Section 2-1**. **Table 2-2** summarizes the 10-year projected growth in population and commercial acreage within the **water** impact fee service area and the **wastewater** impact fee service area.

**Table 2-2: Projected 10-Year Growth**

Category	Population Growth <sup>(1)</sup>	Commercial Acreage Growth <sup>(1)(2)</sup>
<b>Water Impact Fee Service Area</b>	13,746	803
<b>Wastewater Impact Fee Service Area</b>	13,746	738

(1) Population and commercial acreage growth calculated based on anticipated developments.

(2) The Grand Parkway Town Center development is excluded from the projected growth in the wastewater impact fee service area.

## 2.4 SERVICE UNIT EQUIVALENTS

According to TLGC §395.014(a)(7)(B), the maximum allowable 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. For Tomball, a water and wastewater service unit is defined as a service unit equivalent (SUE).

### Definition of Service Unit Equivalents

A water SUE is defined as the equivalent to a water connection for a single-family residence. The City of Tomball typically utilizes a 3/4-inch meters for single-family connections. The City bills wastewater services based on the customer’s water consumption, as wastewater flows are not directly metered. Therefore, a single wastewater SUE is defined as the water service provided to a single-family residence.

### Calculation of SUEs

Impact fee assessment considers developments’ impact on the water system by utilizing the safe maximum operating capacity of each meter to calculate SUEs for all water meters larger than 3/4-inch. The SUE is the ratio of the safe maximum operating capacity for the larger water meters to the safe maximum operating capacity of a 3/4-inch meter.

The City of Tomball utilizes Sensus and Omni 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 Tomball, and the resulting SUEs.



**Table 2-3: Service Unit Equivalents (SUEs)**

Meter Size	Safe Maximum Operating Capacity <sup>(1)</sup> (gpm)	Service Unit Equivalent <sup>(2)</sup>
3/4"	30	1.0
1"	50	1.6
1-1/2"	160	5.3
2"	200	6.6
3"	400	13.3
4"	800	26.6
6"	1,600	53.3
8"	2,700	90.0
10"	5,000	166.6

(1) City is currently using Sensus SRI II for ¾" and 1" meters, Omni R2 for 1-1/2" and 2" meters, and Omni C2 for 3" and larger meters. Safe maximum operating capacities are based on the water meter specifications.

(2) Service unit equivalents shown as rounded to a single decimal point.

Projected 10-Year Service Units

The City provided data that included the quantity and size of the existing water meters in Tomball. The 10-year land use assumptions discussed in **Section 2.3** were utilized to estimate the number of water meters in Tomball in 2033. 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 service units is included in **Table 2-4**.

**Table 2-4: Water and Wastewater Impact fee Service Area Service Units**

Year	Water Service Units	Wastewater Service Units
<b>2023<sup>(1)</sup></b>	11,004	9,543
<b>2033<sup>(2)</sup></b>	19,520	16,929
<b>10-Year Growth in SUEs</b>	<b>8,516</b>	<b>7,386</b>

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

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

### 3.0 CAPITAL IMPROVEMENT PLANS

Utilizing the updated land use assumptions, water and wastewater impact fee eligible CIPs were developed for the City of Tomball as part of this study. This included identifying existing or ongoing projects that would serve the growth projected to occur within the 10-year planning period, as well as developing improvements recommendations that will provide the required capacity and reliability to meet projected future water demands and wastewater flows within the impact fee planning period. Information on the City’s existing water and wastewater facility capacities is provided in **Appendix D**.

#### 3.1 WATER DEMAND AND WASTEWATER FLOW PROJECTIONS

FNI reviewed the City’s historical water demand and wastewater flows to evaluate and update the water demand and wastewater flow planning criteria including average day per capita and per acre usage from the *2017 Wastewater Master Plan* and *2018 Water Master Plan*. FNI utilized the updated planning criteria to develop water demand and wastewater flow projections for the future developments during this update. **Table 3-1** presents the projected water demands, and **Table 3-2** presents the projected wastewater flows in the 10-year planning period within the City’s water and wastewater impact fee service areas, respectively. The planning criteria utilized are documented in the table footnotes.

**Table 3-1: Projected Water Demands**

Year	Average Daily Demand <sup>(1)</sup> (MGD)	Maximum Daily Demand <sup>(2)</sup> (MGD)
2023	2.11	5.08
2033	5.28	12.67

(1) 2023 average day demand based on historical water production data. 2033 average day demand calculated utilizing 160 gallons per capita per day (gpcd) for residential developments and 1,200 gallons per acre per day (gpac) for commercial developments.

(2) Maximum day demand calculated utilizing 2.4 average to max day peaking factor.

**Table 3-2: Projected Wastewater Flows**

Year	Average Daily Flow (MGD)
2023 <sup>(1)</sup>	1.63
2033 <sup>(2)</sup>	3.54

(1) 2023 average daily flow based on available historical wastewater effluent data from 2018 to 2021 and field collected flow monitoring data in 2022.

(2) Projected 10-year flow calculated utilizing 85 gpcd for residential developments and 1,000 gpac for commercial developments.

## 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**. All impact fee eligible water CIP projects are shown on **Figure 3-1** and in **Table 3-3** and all impact fee eligible wastewater CIP projects are shown on **Figure 3-2** and in **Table 3-4**.

### Existing/Under Design Projects

Existing and under design capital improvements that are projected to serve growth within the next 10 years are considered impact fee eligible. These projects are shown in **orange**. 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

Proposed future water projects are shown in **blue**, and proposed future wastewater projects are shown in **green**. Opinions of probable construction cost (OPCCs) for the future water and wastewater projects were developed and are included in **Appendix B** and **Appendix C**, respectively. The planning level capital costs do not include individual service connections or subdivision lines. The costs are provided as estimates based on previous similar engineering experience in 2023 dollars and include an allowance for engineering, surveying, and contingencies.

**Table 3-3: Water System Impact fee Eligible Capital Projects**

Project ID	Description of Project	Project Capital Cost <sup>(1)</sup> (2023 Dollars)	
Existing/Under Design Projects	<b>A</b>	Medical Complex Segment 3	\$507,350
	<b>B</b>	Hufsmith Water Extension	\$533,274
	<b>C</b>	Medical Complex Segment 4	\$930,247
	<b>D</b>	Grand Parkway Elevated Storage Tank (EST)	\$2,838,500
	<b>E</b>	East Water Plant Phase I	\$19,416,076
	<b>F</b>	South Persimmon Water Line	\$398,520
	<b>G</b>	12/16-Inch Water Line Along Hufsmith Road	\$665,000
	<b>H</b>	Rudolph Road Water Line	\$63,372
	<b>I</b>	South Persimmon Water Line Extension	\$305,970
	<b>J</b>	East Water Plant at Baker Drive	\$10,179,000
	<b>K</b>	Water Master Plan & Impact Fee Update	\$182,500
<b>Existing/Under Design Projects Subtotal</b>		<b>\$36,019,809</b>	
Proposed Future Projects	<b>1</b>	16-inch Water Line along Hufsmith Road	\$2,353,200
	<b>2</b>	12-Inch Water Line from Lizzie Lane to FM 2920	\$1,130,300
	<b>3</b>	12/16-inch Water Line along Main Street	\$4,661,500
	<b>4</b>	12-inch Water Line along Medical Complex Drive	\$1,246,100
	<b>5</b>	12-inch Water Line Along Oak Street	\$224,300
	<b>6</b>	12-inch Telge Water Line	\$9,530,700
	<b>7</b>	New Telge Water Plant	\$15,082,400
	<b>Proposed Future Projects Subtotal</b>		<b>\$34,228,500</b>
<b>Total Cost for Water Impact Fee Eligible Projects</b>		<b>\$70,248,309</b>	

(1) **Existing/under design projects capital cost:** These costs represent the City’s share of construction costs for the completed projects or the latest cost estimates for projects currently under design.

**Proposed projects capital cost:** Planning level costs were developed for proposed future projects and include material costs, contingency, and engineering. Additional expenses related to environmental, geotechnical, change order contingency, soft costs, and legal fees are not included.

*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.

**Table 3-4: Wastewater System Impact fee Eligible Capital Projects**

Project ID	Description of Project	Project Capital Cost <sup>(1)</sup> (2023 Dollars)	
Existing/Under Design Projects	A	Medical Complex Segment 3	\$417,820
	B	Medical Complex Segment 4B	\$1,396,268
	C	South WWTP Expansion	\$68,909,295
	D	FM 2920 Lift Station Consolidation	\$15,269,200
	E	Rudolph Road Sewer Extension	\$489,752
	F	Wastewater Master Plan & Impact Fee Update	\$182,500
	<b>Existing/Under Design Projects Subtotal</b>		<b>\$86,664,835</b>
Proposed Future Projects	1	Hicks Lift Station (LS) Expansion to 1.2 MGD	\$1,223,100
	2	18-Inch South Persimmon Gravity Line	\$4,081,400
	3	10/18-inch along Lutheran Church Road and FM 2920 Gravity Line	\$5,143,300
	4	21-inch Telge Gravity Line along Humble Road	\$4,790,000
	5	New 1.1 MGD Telge Lift Station, 8-inch Force Main, and 21-inch Gravity Main	\$5,105,300
	<b>Proposed Future Projects Subtotal</b>		<b>\$20,343,100</b>
<b>Total Cost for Wastewater Impact Fee Eligible Projects</b>		<b>\$107,007,935</b>	

(1) **Existing/under design projects capital cost:** These costs represent the City’s share of construction costs for the completed projects or the latest cost estimates for projects currently under design.

**Proposed projects capital cost:** Planning level costs were developed for proposed future projects and include material costs, contingency, and engineering. Additional expenses related to environmental, geotechnical, change order contingency, soft costs, and legal fees are not included.

*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.

**FIGURE 3-1**  
**CITY OF TOMBALL**  
**2023 WATER AND WASTEWATER**  
**IMPACT FEE UPDATE**  
**WATER CAPITAL**  
**IMPROVEMENTS PLAN**

The timing of projects shown is subject to change based on development patterns. The utility alignments shown in this figure are for illustration purposes only and do not set the alignments. The alignment of each utility will be determined at the time of the engineering design.

**K** Water Master Plan & Impact Fee Update

**LEGEND**

<b>Developer Improvements</b>	<b>Existing System</b>
Water Line	Water Well
<b>Under Design/Construction</b>	Elevated Storage Tank
Ground Storage Tank	Ground Storage Tank
Elevated Storage Tank	8" and Smaller Water Line
WTP	10" and Larger Water Line
<b>10-Year Proposed Improvements</b>	Grand Parkway 99
Ground Storage Tank	Railroad
Elevated Storage Tank	Stream
WTP	City Limit
Water Line	ETJ Boundary
	Houston ETJ Boundary
	County Line

**FREESE NICHOLS**

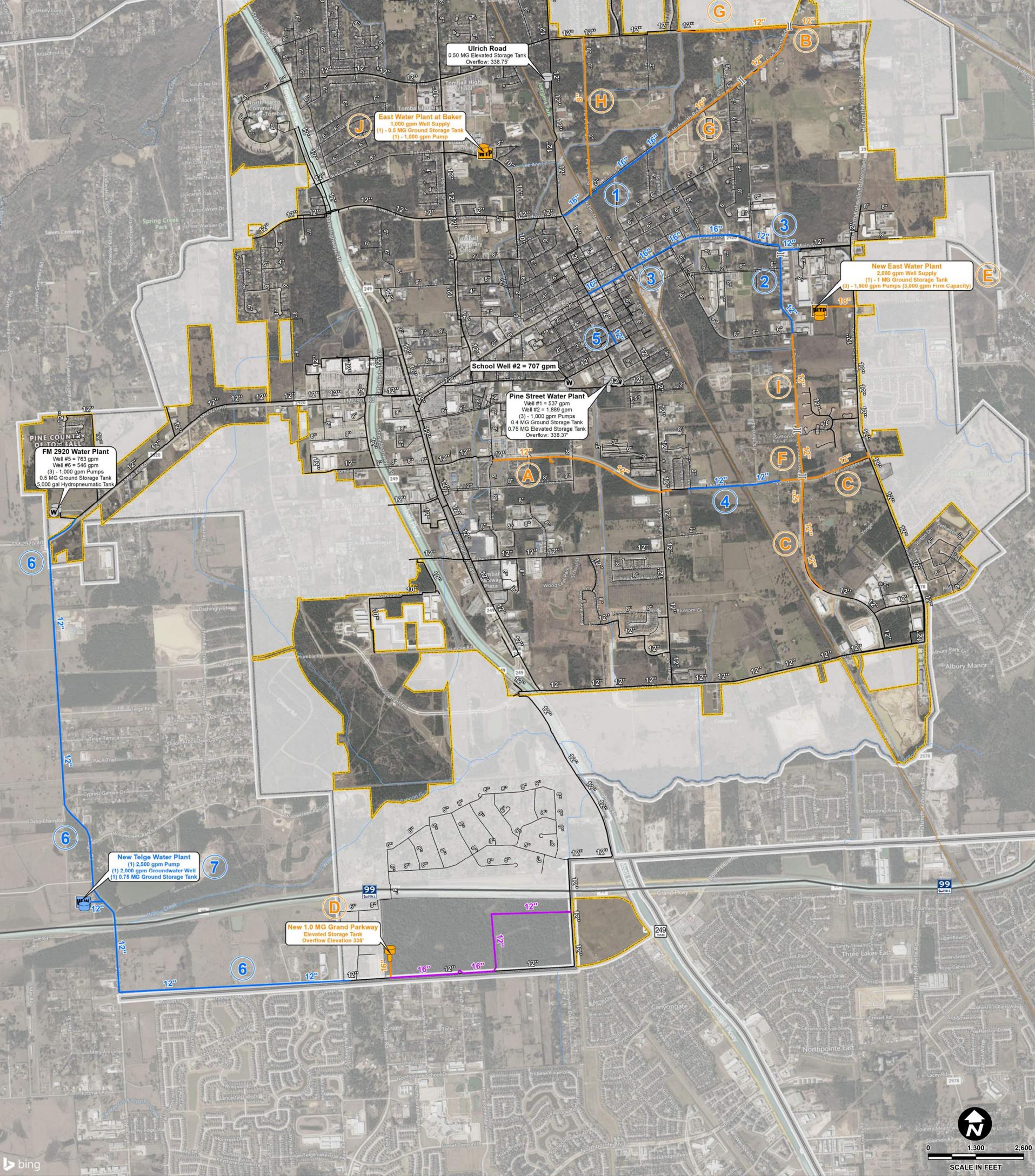
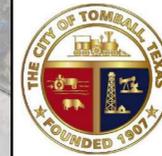


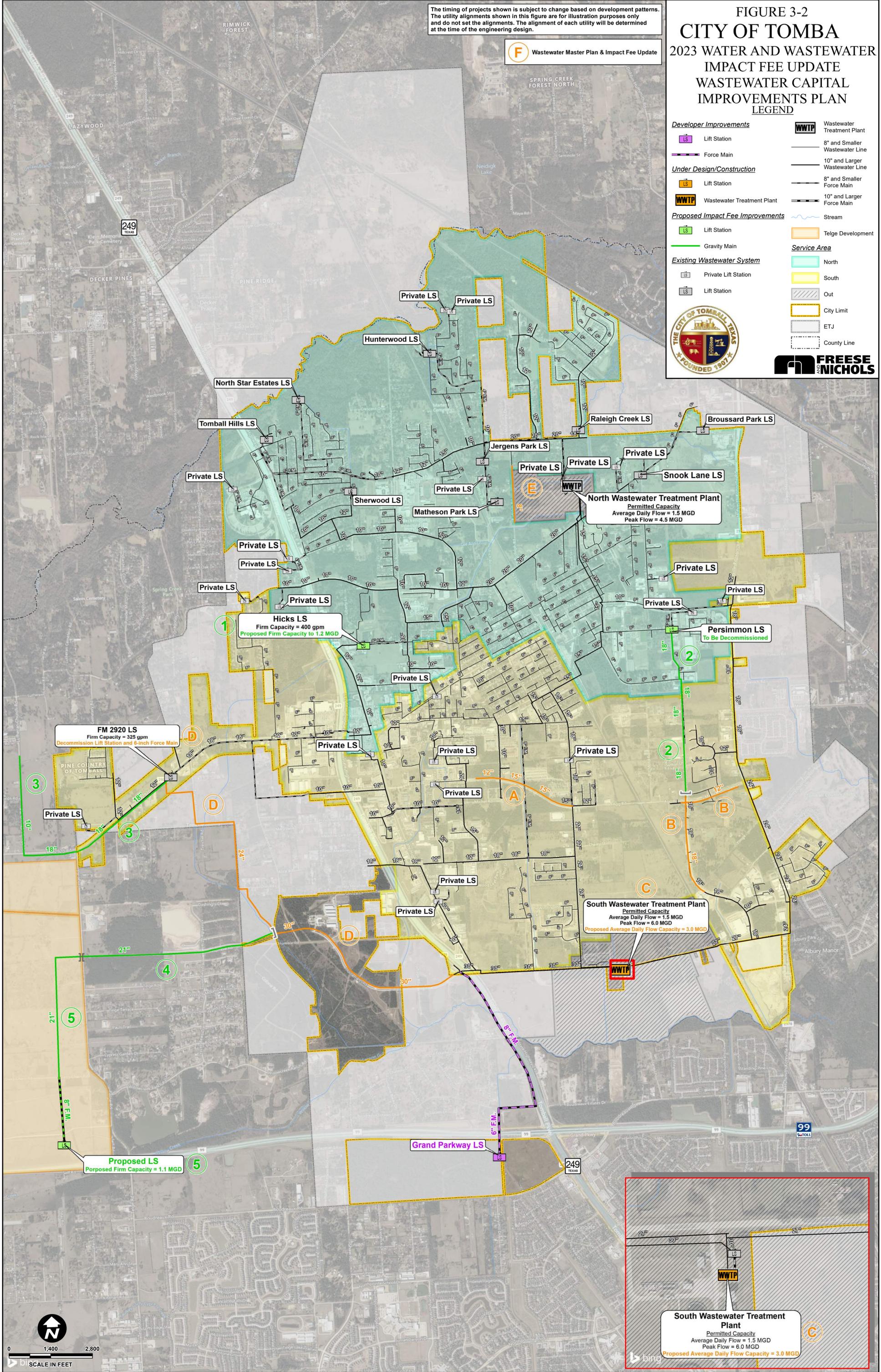
FIGURE 3-2  
**CITY OF TOMBA**  
**2023 WATER AND WASTEWATER**  
**IMPACT FEE UPDATE**  
**WASTEWATER CAPITAL**  
**IMPROVEMENTS PLAN**  
**LEGEND**

<b>Developer Improvements</b>		<b>WWTP</b>	Wastewater Treatment Plant
	Lift Station		8" and Smaller Wastewater Line
	Force Main		10" and Larger Wastewater Line
<b>Under Design/Construction</b>			8" and Smaller Force Main
	Lift Station		10" and Larger Force Main
	Wastewater Treatment Plant		Stream
<b>Proposed Impact Fee Improvements</b>			Telge Development
	Lift Station	<b>Service Area</b>	
	Gravity Main		North
<b>Existing Wastewater System</b>			South
	Private Lift Station		Out
	Lift Station		City Limit
			ETJ
			County Line



The timing of projects shown is subject to change based on development patterns. The utility alignments shown in this figure are for illustration purposes only and do not set the alignments. The alignment of each utility will be determined at the time of the engineering design.

**F** Wastewater Master Plan & Impact Fee Update



## 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 ANALYSES

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 Projects Impact Fee Calculation**

Water Project ID	Description of Project	Percent Utilization			10-Year Impact Fee Eligible Cost <sup>(1)</sup> (2023-2033)	
		2023 <sup>(1)</sup>	2033	2023-2033		
Existing/Under Design Water Projects	<b>A</b>	Medical Complex Segment 3	5%	15%	10%	\$50,735
	<b>B</b>	Hufsmith Water Extension	0%	15%	15%	\$79,991
	<b>C</b>	Medical Complex Segment 4	5%	30%	25%	\$232,561
	<b>D</b>	Grand Parkway Elevated Storage Tank (EST)	0%	25%	25%	\$709,625
	<b>E</b>	East Water Plant Phase I	0%	100%	100%	\$19,416,076
	<b>F</b>	South Persimmon Water Line	0%	45%	45%	\$179,334
	<b>G</b>	12/16-Inch Water Line Along Hufsmith Road	10%	20%	10%	\$66,500
	<b>H</b>	Rudolph Road Water Line	0%	10%	10%	\$6,337
	<b>I</b>	South Persimmon Water Line Extension	5%	45%	40%	\$122,388
	<b>J</b>	East Water Plant at Baker Drive	0%	100%	100%	\$10,179,000
	<b>K</b>	Water Master Plan & Impact Fee Update	0%	100%	100%	\$182,500
<b>Existing/Under Design Water Projects Subtotal</b>					<b>\$31,225,047</b>	
Proposed Future Water Projects	<b>1</b>	16-inch Water Line along Hufsmith Road	10%	20%	10%	\$250,792
	<b>2</b>	12-Inch Water Line from Lizzie Lane to FM 2920	5%	45%	40%	\$481,846
	<b>3</b>	12/16-inch Water Line along Main Street	10%	25%	15%	\$745,198
	<b>4</b>	12-inch Water Line along Medical Complex Drive	0%	10%	10%	\$146,415
	<b>5</b>	12-inch Water Line Along Oak Street	30%	70%	40%	\$122,036
	<b>6</b>	12-inch Telge Water Line	0%	40%	40%	\$5,444,724
	<b>7</b>	New Telge Water Plant	0%	90%	90%	\$20,356,044
<b>Proposed Future Water Projects Subtotal</b>					<b>\$27,547,055</b>	
<b>Total 10-Year Impact fee Eligible Water Capital Improvement Project Costs</b>					<b>\$58,772,102</b>	

(1) The costs shown represent the portion of each project’s cost anticipated to serve 10-year growth. For projects that will be constructed after 2023, the costs are inflated at 5% annually based on the projected start year. For proposed future projects, a 1.5% legal fee was included in the impact fee eligible cost.

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

Wastewater Project ID	Description of Project	Percent Utilization			10-Year Impact Fee Eligible Cost <sup>(1)</sup> (2023-2033)	
		2023 <sup>(1)</sup>	2033	2023-2033		
Existing/Under Design Wastewater Projects	A	Medical Complex Segment 3	5%	15%	10%	\$41,782
	B	Medical Complex Segment 4B	5%	40%	35%	\$488,693
	C	South WWTP Expansion	30%	95%	65%	\$44,791,041
	D	FM 2920 Lift Station Consolidation	5%	50%	45%	\$6,871,140
	E	Rudolph Road Sewer Extension	0%	5%	5%	\$24,487
	F	Wastewater Master Plan & Impact Fee Update	0%	100%	100%	\$182,500
<b>Existing/Under Design Wastewater Projects Subtotal</b>					<b>\$52,399,643</b>	
Proposed Future Wastewater Projects	1	Hicks Lift Station (LS) Expansion to 1.2 MGD	85%	90%	5%	\$65,175
	2	18-Inch South Persimmon Gravity Line	5%	35%	30%	\$1,304,925
	3	10/18-inch along Lutheran Church Road and FM 2920 Gravity Line	10%	85%	75%	\$4,111,103
	4	21-inch Telge Gravity Line along Humble Road	0%	40%	40%	\$2,251,279
	5	New 1.1 MGD Telge Lift Station, 8-inch Force Main, and 21-inch Gravity Main	0%	30%	30%	\$1,984,060
	<b>Proposed Future Wastewater Projects Subtotal</b>					<b>\$9,716,542</b>
<b>Total 10-Year Impact fee Eligible Wastewater Capital Improvement Project Costs</b>					<b>\$62,116,185</b>	

(1) The costs shown represent the portion of each project’s cost anticipated to serve 10-year growth. For projects that will be constructed after 2023, the costs are inflated at 5% annually based on the projected start year. For proposed future projects, a 1.5% legal fee was included in the impact fee eligible cost.



## 4.2 MAXIMUM IMPACT FEE CALCULATION

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 Tomball has elected the 50% credit option. The 2023 maximum allowable water and wastewater impact fees for the City of Pearland are calculated in **Section 4.2.1** and **Section 4.2.2** respectively.

### 4.2.1 Maximum Allowable Water Impact fees

**Table 4-3** summarizes the calculation of the maximum allowable water impact fees for Tomball. These calculations include the eligible costs of the water capital projects serving growth in the next 10 years, as well as financing costs.

**Table 4-3: Water Impact Fee Calculation**

2023 Water Impact Fee Calculation	
Total IF Eligible Capital Improvement Costs	\$58,772,102
Total Eligible Financing Costs <sup>(1)</sup>	\$53,949,182
<i>Total Eligible Impact Fee Costs</i>	<i>\$112,721,284</i>
<i>50% Credit</i>	<i>\$56,360,642</i>
<b>Total Eligible Impact Fee Costs with 50% Credit Applied</b> ①	<b>\$56,360,642</b>
<b>10-Year Growth in Service Unit Equivalents</b> ②	<b>8,516</b>
<b>Maximum Allowable Water Impact Fee</b> ① ÷ ②	<b>\$6,618</b>

(1) 30-year finance costs calculated utilizing 5.0% interest rate.

### 4.2.2 Maximum Allowable Wastewater Impact fees

**Table 4-4** summarizes the calculation of the maximum allowable wastewater impact fees for Tomball. These calculations include the eligible costs of the wastewater capital projects serving growth in the next 10 years, as well as financing costs.

**Table 4-4: Wastewater Impact Fee Calculation**

2023 Wastewater Impact Fee Calculation	
Total IF Eligible Capital Improvement Costs	\$62,116,185
Total Eligible Financing Costs <sup>(1)</sup>	\$57,083,094
<i>Total Eligible Impact Fee Costs</i>	<i>\$119,199,279</i>
<i>50% Credit</i>	<i>\$59,599,640</i>
<b>Total Eligible Impact Fee Costs with 50% Credit Applied</b> ①	<b>\$59,599,640</b>
<b>10-Year Growth in Service Unit Equivalents</b> ②	<b>7,386</b>
<b>Maximum Allowable Wastewater Impact Fee</b> ① ÷ ②	<b>\$8,069</b>

(1) 30-year finance costs calculated utilizing 5.0% interest rate.



### 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 2.4.

**Table 4-5: Schedule of Maximum Allowable Water and Wastewater Impact Fee**

Meter Size	Service Unit Equivalents <sup>(1)</sup>	Maximum Allowable Impact Fees		
		Water	Wastewater	Total
3/4"	1	\$6,618	\$8,069	<b>\$14,687</b>
1"	1.6	\$10,588	\$12,910	<b>\$23,498</b>
1-1/2"	5.3	\$35,075	\$42,765	<b>\$77,840</b>
2"	6.6	\$43,678	\$53,255	<b>\$96,933</b>
3"	13.3	\$88,019	\$107,317	<b>\$195,336</b>
4"	26.6	\$176,038	\$214,635	<b>\$390,673</b>
6"	53.3	\$352,739	\$430,077	<b>\$782,816</b>
8"	90.0	\$595,620	\$726,210	<b>\$1,321,830</b>
10"	166.6	\$1,102,558	\$1,344,295	<b>\$2,446,853</b>

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

## 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 public hearing includes 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 was held on October 16, 2023 at the City of Tomball City Hall. The public hearing date was set by Council and advertised more than 30 days prior to the public hearing. The presentation by Freese and Nichols, Inc. at the public hearing is included in **Appendix E**.

### 5.2 ORDINANCE

Once the public hearing is held, the political subdivision shall approve or disapprove the amendments of the land use assumptions and capital improvements plan and modification of the impact fee within 30 days after the date of the public hearing. A copy of the City Ordinance approving the land use assumptions and capital improvements plan and adopting the impact fee is included in **Appendix F**.



**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**  
**Planning Level Opinions of Probable Construction Costs (OPCCs)**  
**for Proposed Projects**

# City of Tomball



Water CIP - Opinion of Probable Construction Cost\*

July 31, 2023

\*Planning Level Cost in 2023 Dollars

CIP Project Number:

1

Phase: 10-Year

Project Name: 16-inch Water Line along Hufsmith Road

### Project Description:

This project includes the construction of a new 16-inch water line along Hufsmith Road from Ulrich Road to Timber Trails Lake Place.

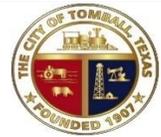
### Project Drivers:

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

### Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	16" WL & Appurtenances	3,700	LF	\$ 320	\$ 1,184,000
2	30" Boring and Casing	500	LF	\$ 660	\$ 330,000
3	Pavement Repair	400	LF	\$ 150	\$ 60,000
<b>SUBTOTAL:</b>					<b>\$ 1,574,000</b>
				CONTINGENCY	30%
					\$ 472,200
<b>SUBTOTAL:</b>					<b>\$ 2,046,200</b>
				ENG/SURVEY	15%
					\$ 307,000
<b>SUBTOTAL:</b>					<b>\$ 2,353,200</b>
<b>Estimated Project Total:</b>					<b>\$ 2,353,200</b>

# City of Tomball



Water CIP - Opinion of Probable Construction Cost\*

July 31, 2023

\*Planning Level Cost in 2023 Dollars

CIP Project Number:

2

Phase: 10-Year

Project Name: 12-Inch Water Line from Lizzie Lane to FM 2920

### Project Description:

This project includes the construction of a 12-inch water line to replace the existing 6-inch water line along South Persimmon St from Medical Complex Dr to FM 2920. The project also includes construction of a 16-inch water line connection from the South Persimmon Street to the East Water Plant.

### Project Drivers:

The recommended water lines are sized to convey water from the East Water Plant to the system and future peak hourly demand.

### Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	12" WL & Appurtenances	2,400	LF	\$ 240	\$ 576,000
2	Pavement Repair	1,200	LF	\$ 150	\$ 180,000
<b>SUBTOTAL:</b>					<b>\$ 756,000</b>
CONTINGENCY				30%	\$ 226,800
<b>SUBTOTAL:</b>					<b>\$ 982,800</b>
ENG/SURVEY				15%	\$ 147,500
<b>SUBTOTAL:</b>					<b>\$ 1,130,300</b>
<b>Estimated Project Total:</b>					<b>\$ 1,130,300</b>

# City of Tomball



Water CIP - Opinion of Probable Construction Cost\*

July 31, 2023

\*Planning Level Cost in 2023 Dollars

CIP Project Number:

3

Phase: 10-Year

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

### Project Description:

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

### Project Drivers:

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

### Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	16" WL & Appurtenances	5,600	LF	\$ 320	\$ 1,792,000
2	12" WL & Appurtenances	900	LF	\$ 240	\$ 216,000
3	30" Boring and Casing	1,000	LF	\$ 660	\$ 660,000
4	Pavement Repair	3,000	LF	\$ 150	\$ 450,000
<b>SUBTOTAL:</b>					<b>\$ 3,118,000</b>
CONTINGENCY				30%	\$ 935,400
<b>SUBTOTAL:</b>					<b>\$ 4,053,400</b>
ENG/SURVEY				15%	\$ 608,100
<b>SUBTOTAL:</b>					<b>\$ 4,661,500</b>
<b>Estimated Project Total:</b>					<b>\$ 4,661,500</b>

# City of Tomball



Water CIP - Opinion of Probable Construction Cost\*

July 31, 2023

\*Planning Level Cost in 2023 Dollars

CIP Project Number:

4

Phase: 10-Year

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

### Project Description:

This project includes the construction of a 12-inch water line along Medical Complex Drive from South Persimmon St to Mulberry St to coincide with Medical Complex Drive expansion.

### Project Drivers:

The recommended water lines are sized to convey water from the East Water Plant to the system and future peak hourly demand.

### Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	12" WL & Appurtenances	2,700	LF	\$ 240	\$ 648,000
2	20" Boring and Casing	300	LF	\$ 440	\$ 132,000
<b>SUBTOTAL:</b>					<b>\$ 780,000</b>
CONTINGENCY				30%	\$ 234,000
<b>SUBTOTAL:</b>					<b>\$ 1,014,000</b>
ENG/SURVEY				15%	\$ 152,100
<b>SUBTOTAL:</b>					<b>\$ 1,166,100</b>
EASEMENT ACQUISITION					\$ 80,000
<b>SUBTOTAL:</b>					<b>\$ 1,246,100</b>
<b>Estimated Project Total:</b>					<b>\$ 1,246,100</b>

# City of Tomball



Water CIP - Opinion of Probable Construction Cost\*

July 31, 2023

\*Planning Level Cost in 2023 Dollars

CIP Project Number:

5

Phase: 10-Year

Project Name: 12-inch Water Line Along Oak Street

### Project Description:

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

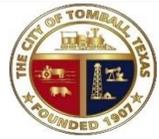
### Project Drivers:

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

### Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	12" WL & Appurtenances	500	LF	\$ 240	\$ 120,000
2	Pavement Repair	200	LF	\$ 150	\$ 30,000
<b>SUBTOTAL:</b>					<b>\$ 150,000</b>
CONTINGENCY				30%	\$ 45,000
<b>SUBTOTAL:</b>					<b>\$ 195,000</b>
ENG/SURVEY				15%	\$ 29,300
<b>SUBTOTAL:</b>					<b>\$ 224,300</b>
<b>Estimated Project Total:</b>					<b>\$ 224,300</b>

# City of Tomball



Water CIP - Opinion of Probable Construction Cost\*

July 31, 2023

\*Planning Level Cost in 2023 Dollars

CIP Project Number:

6

Phase: 10-Year

Project Name: 12-inch Telge Water Line

### Project Description:

This project includes the construction of a 12-inch water line along Telge Road towards the western part of the City.

### Project Drivers:

This water line will connect the City's existing water distribution system along FM 2920 with water lines along Boudreaux Road to create a loop and connect the system with the future Telge Water Plan (Project 8). This project will help serve peak hour demand in the City's system and help serve future Telge area customers.

### Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	12" WL & Appurtenances	21,000	LF	\$ 240	\$ 5,040,000
2	20" Boring and Casing	1,500	LF	\$ 440	\$ 660,000
3	Pavement Repair	4,500	LF	\$ 150	\$ 675,000
<b>SUBTOTAL:</b>					<b>\$ 6,375,000</b>
CONTINGENCY				30%	\$ 1,912,500
<b>SUBTOTAL:</b>					<b>\$ 8,287,500</b>
ENG/SURVEY				15%	\$ 1,243,200
<b>SUBTOTAL:</b>					<b>\$ 9,530,700</b>
<b>Estimated Project Total:</b>					<b>\$ 9,530,700</b>

# City of Tomball



Water CIP - Opinion of Probable Construction Cost\*

July 31, 2023

\*Planning Level Cost in 2023 Dollars

CIP Project Number:

7

Phase: 10-Year

Project Name: New Telge Water Plant

### Project Description:

This project includes the construction of a new water plant in the southwest of the city limits near Telge Road and Grand Parkway intersection with 2,000 gpm supply and 2,500 service pumping along with a 0.75 MG ground storage tank

### Project Drivers:

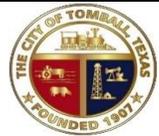
This new water plant will help meet the future projected demands in the City's water distribution system.

### Opinion of Probable Construction Cost

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	2,500 gpm Pumps	1	EA	\$ 5,400,346	\$ 5,400,346
2	0.75 MG Ground Storage Tank	1	LS	\$ 1,387,500	\$ 1,387,500
3	2,000 gpm Groundwater Well	1	EA	\$ 2,880,184	\$ 2,880,184
				<b>SUBTOTAL:</b>	<b>\$ 9,668,100</b>
				CONTINGENCY	30%
				<b>SUBTOTAL:</b>	<b>\$ 12,568,600</b>
				ENG/SURVEY	20%
				<b>SUBTOTAL:</b>	<b>\$ 15,082,400</b>
				<b>Estimated Project Total:</b>	<b>\$ 15,082,400</b>

**APPENDIX C**  
**Wastewater Impact fee Eligible CIP**  
**Planning Level Opinions of Probable Construction Costs (OPCCs)**  
**for Proposed Projects**

# City of Tomball



Wastewater CIP - Opinion of Probable Construction Cost\*

July 31, 2023

\*Planning Level Cost in 2023 Dollars

CIP Project Number:

1

Phase: 10-Year

Project Name: Hicks Lift Station (LS) Expansion to 1.2 MGD

**Project Description:**

This project includes expansion of the Hick Lift Station firm pumping capacity to 1.2 MGD.

**Project Drivers:**

Expansion of the firm pumping capacity at the Hicks Lift Station is needed to serve existing and future peak flows to the lift station. The lift station wet well and force main have capacity to serve the projected flows. The expansion includes replacement pumps, electrical, generator, piping and valves.

**Opinion of Probable Construction Cost**

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	Hicks Pumps	1	LS	\$ 240,000	\$ 240,000
2	Hicks Electrical	1	LS	\$ 291,000	\$ 291,000
3	Hicks Generator	1	LS	\$ 132,000	\$ 132,000
4	Hicks Piping and Valves	1	LS	\$ 121,000	\$ 121,000
<b>SUBTOTAL:</b>					<b>\$ 784,000</b>
CONTINGENCY				30%	\$ 235,200
<b>SUBTOTAL:</b>					<b>\$ 1,019,200</b>
ENG/SURVEY				20%	\$ 203,900
<b>SUBTOTAL:</b>					<b>\$ 1,223,100</b>
<b>Estimated Project Total:</b>					<b>\$ 1,223,100</b>

# City of Tomball



Wastewater CIP - Opinion of Probable Construction Cost\*

July 31, 2023

\*Planning Level Cost in 2023 Dollars

CIP Project Number:

2

Phase: 10-Year

Project Name: 18-Inch South Persimmon Gravity Line

**Project Description:**

This project includes the construction of a new 18-inch gravity line along South Persimmon Street between the Persimmon Lift Station and Medical Complex Drive.

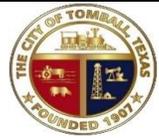
**Project Drivers:**

The recommended replacement gravity line is sized to convey the existing and projected future peak wet weather wastewater flows. The additional capacity provided by this replacement line will help the City maintain regulatory compliance regarding the prevention of surcharging and sanitary sewer overflows in a gravity sewer system (TCEQ §217.53). This project will also consolidation of the existing Persimmon Lift Station.

**Opinion of Probable Construction Cost**

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	Decommission Persimmon Lift Station	1	EA	\$ 50,000	\$ 50,000
2	18" Pipe > 16 feet deep	5,700	LF	\$ 360	\$ 2,052,000
3	60" Diameter Manhole (8 - 16 feet deep)	8	EA	\$ 20,000	\$ 160,000
4	30" Boring and Casing	300	LF	\$ 660	\$ 198,000
5	Pavement Repair	1,800	LF	\$ 150	\$ 270,000
				<b>SUBTOTAL:</b>	<b>\$ 2,730,000</b>
				CONTINGENCY	30%
				<b>SUBTOTAL:</b>	<b>\$ 3,549,000</b>
				ENG/SURVEY	15%
				<b>SUBTOTAL:</b>	<b>\$ 4,081,400</b>
<b>Estimated Project Total:</b>					<b>\$ 4,081,400</b>

# City of Tomball



Wastewater CIP - Opinion of Probable Construction Cost\*

July 31, 2023

\*Planning Level Cost in 2023 Dollars

CIP Project Number:

3

Phase: 10-Year

Project Name: 10/18-inch along Lutheran Church Road and FM 2920 Rd Gravity Line

**Project Description:**

This project includes the construction of a new 10-inch gravity line along Lutheran Church Road and 18 -inch gravity line along FM 2920. The eastern part of the 18-inch line segment will replace the existing 12-inch line along FM 2920.

**Project Drivers:**

The recommended replacement gravity lines are sized to convey the existing and projected future peak wet weather wastewater flows. The additional capacity provided by this replacement line will help the City maintain regulatory compliance regarding the prevention of surcharging and sanitary sewer overflows in a gravity sewer system (TCEQ §217.53). This line will allow the anticipated developments along the Lutheran Church Road to connect to the City's collection system.

**Opinion of Probable Construction Cost**

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	10" Pipe > 16 feet deep	3,400	LF	\$ 200	\$ 680,000
2	18" Pipe 8- 16 feet deep	5,900	LF	\$ 324	\$ 1,911,600
3	48" Diameter Manhole (16 - 24 feet deep)	7	EA	\$ 20,000	\$ 140,000
4	60" Diameter Manhole (8 - 16 feet deep)	8	EA	\$ 20,000	\$ 160,000
5	30" Boring and Casing	300	LF	\$ 660	\$ 198,000
6	Pavement Repair	1,000	LF	\$ 150	\$ 150,000
				<b>SUBTOTAL:</b>	<b>\$ 3,239,600</b>
				CONTINGENCY	30%
					\$ 971,900
				<b>SUBTOTAL:</b>	<b>\$ 4,211,500</b>
				ENG/SURVEY	15%
					\$ 631,800
				<b>SUBTOTAL:</b>	<b>\$ 4,843,300</b>
				EASEMENT ACQUISITION	\$ 300,000
				<b>SUBTOTAL:</b>	<b>\$ 5,143,300</b>
<b>Estimated Project Total:</b>					<b>\$ 5,143,300</b>

# City of Tomball



Wastewater CIP - Opinion of Probable Construction Cost\*

July 31, 2023

\*Planning Level Cost in 2023 Dollars

CIP Project Number:

4

Phase: 10-Year

Project Name: 21-inch Telge Gravity Line along Humble Road

**Project Description:**

This project includes the construction of a new 21-inch gravity line along Humble Road to the anticipated Telge development.

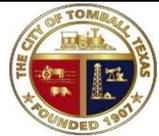
**Project Drivers:**

This project will allow conveyance of projected future wastewater flows from the anticipated development along Telge Road to the City's South WWTP. The new 21-inch gravity line is proposed to connect to the currently under -design FM 2920 consolidation line (Project D). The recommended replacement gravity line is sized to convey the existing and projected peak wet weather wastewater flows.

**Opinion of Probable Construction Cost**

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	21" Pipe 8- 16 feet deep	6,600	LF	\$ 378	\$ 2,494,800
2	60" Diameter Manhole (8 - 16 feet deep)	9	EA	\$ 20,000	\$ 180,000
3	36" Boring and Casing	550	LF	\$ 792	\$ 435,600
4	Pavement Repair	200	LF	\$ 150	\$ 30,000
<b>SUBTOTAL:</b>					<b>\$ 3,140,400</b>
CONTINGENCY				30%	\$ 942,200
<b>SUBTOTAL:</b>					<b>\$ 4,082,600</b>
ENG/SURVEY				15%	\$ 612,400
<b>SUBTOTAL:</b>					<b>\$ 4,695,000</b>
EASEMENT ACQUISITION					\$ 95,000
<b>SUBTOTAL:</b>					<b>\$ 4,790,000</b>
<b>Estimated Project Total:</b>					<b>\$ 4,790,000</b>

# City of Tomball



Wastewater CIP - Opinion of Probable Construction Cost\*

July 31, 2023

\*Planning Level Cost in 2023 Dollars

CIP Project Number:

5

Phase: 10-Year

Project Name: New 1.1 MGD Telge Lift Station, 8-inch Force Main, and 21-inch Gravity Main

**Project Description:**

This project includes the construction of a new 1.1 MGD lift station west of Telge Road along with a 8-inch force main. The project also includes the construction of a 21-inch gravity line that will connect to the proposed 21-inch line along Humble Road (Project 4).

**Project Drivers:**

The proposed lift station, force main and gravity main are sized to serve projected future peak wet weather flows from the anticipated developments along Telge Road.

**Opinion of Probable Construction Cost**

ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
1	21" Pipe 8- 16 feet deep	5,100	LF	\$ 378	\$ 1,927,800
2	60" Diameter Manhole (8 - 16 feet deep)	7	EA	\$ 20,000	\$ 140,000
3	36" Boring and Casing	100	LF	\$ 792	\$ 79,200
4	8" Force Main < 8 feet deep	2,400	LF	\$ 144	\$ 345,600
5	Telge Pumps	1	0	\$ 220,000	\$ 220,000
6	Telge Electrical	1	0	\$ 273,000	\$ 273,000
7	Telge Generator	1	0	\$ 121,000	\$ 121,000
8	Telge Piping and Valves	1	0	\$ 121,000	\$ 121,000
9	Pavement Repair	300	LF	\$ 150	\$ 45,000
<b>SUBTOTAL:</b>					<b>\$ 3,272,600</b>
CONTINGENCY				30%	\$ 981,800
<b>SUBTOTAL:</b>					<b>\$ 4,254,400</b>
ENG/SURVEY				20%	\$ 850,900
<b>SUBTOTAL:</b>					<b>\$ 5,105,300</b>
<b>Estimated Project Total:</b>					<b>\$ 5,105,300</b>



## **APPENDIX D**

### **Existing Water and Wastewater Facility Inventory**

## 2023 Water Facility Inventory

**Table D-1: Existing Water Supply Capacity**

Facility Name	Address	Well No.	Tested Capacity <sup>(1)</sup>	
			(gpm)	(MGD)
Pine Street Water Plant	802 S Pine Street	1	537	0.77
		2	1,889	2.72
School Well	707 School St	3	707	1.02
FM 290 Water Plant	15902 FM 2920	5	763	1.10
		6	546	0.79
<b>Total</b>			<b>4,442</b>	<b>6.40</b>

(1) From TCEQ Drinking Water Watch website and City.

**Table D-2: Existing Water Storage Capacity**

Storage Type	Facility Name	Address	Storage Capacity <sup>(1)</sup> (MG)
Ground	Pine Street Water Plant <sup>(2)</sup>	802 S Pine Drive	0.4
	FM 2920 Water Plant	15902 FM 2920	0.5
	<b>Total</b>		<b>0.9</b>
Elevated	Pine Street Water Plant	802 S Pine Drive	0.75
	Ulrich Road	1331 Ulrich St	0.5
	Baker Drive Water Plant	1006 Baker St	0.2
	<b>Total</b>		<b>1.25</b>
Hydropneumatic Tank	FM 2920 Water Plant	15902 FM 2920	0.005

(1) From TCEQ Drinking Water Watch and City.

**Table D-3: Existing Water Service Pumping Capacity**

Facility Name	Address	Pump No.	Rated Capacity <sup>(1)</sup>	
			(gpm)	(MGD)
Pine Street Water Plant	802 S Pine Dr	1	1,000	1.44
		2	1,000	1.44
		3	1,000	1.44
FM 2920 Water Plant	15902 FM 2920	1	1,000	1.44
		2	1,000	1.44
		3	1,000	1.44
<b>Total</b>			<b>6,000</b>	<b>8.64</b>
<b>Firm</b>			<b>5,000</b>	<b>7.20</b>

(1) From TCEQ Drinking Water Watch and City.



## 2023 Wastewater Facility Inventory

**Table D-4: Existing Wastewater Treatment Plant Facilities**

WWTP Name -- TPDES Permit No.	Permitted Capacities		Permitted Outfall
	Average Daily Flow (MGD)	Peak Flow (MGD)	
North WWTP -- WQ0010616001	1.5	4.5	HCFCO ditch J231-00-00, thence to Bogs Gully, thence to Spring Creek
South WWTP -- WQ0010616002	1.5	6.0	HCFCO ditch M121-00-00, thence to Willow Creek, thence to Spring Creek

Lift Station No.	Lift Station Name	Address	Wet Well				Force Main		Pump								
			Diameter (ft)	Ground Elevation (MSL)	Bottom of Wet Well (MSL)	Influent Pipe Diameter (in)	Influent Pipe Flowline(s) (MSL)	Force Main Diameter (in)	Force Main Length (ft)	Number of Pumps	Model/ Manufacturer/ Serial	Firm Capacity (gpm)	Horse Power	TDH (ft)	1st Pump ON level (MSL)	2nd Pump ON level (MSL)	Pump OFF level (MSL)
1	North Star Estates	31530 Capella Circle	8 x 8	164.67	144.67	8	158.34	8	5480	2	Flygt 3140.180-0628	150	15	-	153	155	151
2	Sherwood Forest	30203 Wickford Dr.	4	210.32	191.65	6 / 12 / 10	195.61 (N) / 203.32 (S)	6	480	2	Flygt 3102 Hydromatic Pump Serial 16503 Model 40 MMP Imp Dia: 7.5"	300	5	-	203.5	204.5	203
3	Hunterwood	13406 Julia Lane	6	181.87	164	8	168.5	4	4610	2	Flygt NP 3127 HT-3 - Adaptive 489	112	7.5	63	167	167.5	165
4	Snook Lane	1035 E. Hufsmith Rd.	5	172	152.25	8	168.17 (N) / 167.17 (S)	4	580	2	Flygt 3085.120-830362	115	2	-	174	194	141
5	Tomball Hills	28106 Chris Lane	8	168.5	141.5	15	145.3	6	4670	2	Flygt Model Np 3171.185 Submersible	410	35	140	144.63	145.3	143
6	Persimmon	303 S.Persimmon	4	179.2	158.8	6 / 8 / 8	6" (NE) 167.25 8" (S) 163.16 8" (E) 163.15	4	120	2	NP3085 Flygt 3085.181-4345	-	3	-	164	170	161.25
7	Juergens Park	Ulrich Rd. at Jergens Park	3	-	-	6	-	2	660	2	Myers 7200 - 0175 H4HN	-	2	-	-	-	-
8	Matheson Park	Ulrich Rd. at Matheson Park	4	-	-	8	-	4	2550	2	Myers 4V50M4-21	-	5	-	-	-	-
9	FM 2920	15303 FM 2920	6	173.93	153.93	12	158.305-W / 159.013-E	8	7950	2	Flygt 3140.090-6068	400	15	77	194	205	179
10	Hicks	1519 Hicks St.	8	181	157.1	8	163.88	8	1470	2	Flygt NP3127 LT 3-422	400	7.5	36	161.1	162.1	158.1
11	Raleigh Creek	30615 Raleigh Creek Dr.	8	170	138	12	142	6	185	2	EBARA Submersible Pumps Model 100DLMFU63.7	350	5	30	145	155	142
12	Broussard Park	1414 E Hufsmith	5	178.37	158.14	8	160	2	2,891	2	-	30	5	111	160	161	162
13	Rocky Road	<i>Lift Station Under Design</i>															

Data Sources	
As-Built Data	GIS Data
Information From City	Estimate from Pump
Contour Data	Vendor Curves
Field Survey Data	Model Assumption



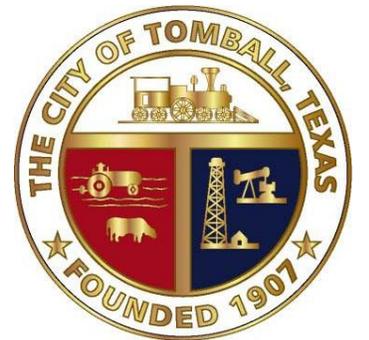
## **APPENDIX E**

### **Public Hearing Presentation**



# WATER & WASTEWATER IMPACT FEES

Public Hearing Presentation  
October 16, 2023





## **OVERVIEW & IMPACT FEE BASICS**



## **LAND USE ASSUMPTIONS**



## **WATER & WASTEWATER CIPs**



## **IMPACT FEE ANALYSIS**

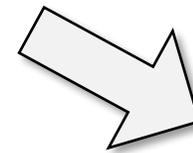
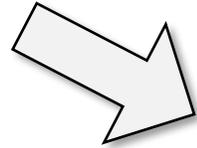


## **PATH FORWARD**

# WHAT ARE IMPACT FEES?



One-time charge assessed to new development for a portion of costs related to specific capital improvements



*Systematic, structured approach  
to assessment of fees*

# THE BASIC QUESTION



**WHO PAYS FOR  
INFRASTRUCTURE TO  
SERVE GROWTH?**

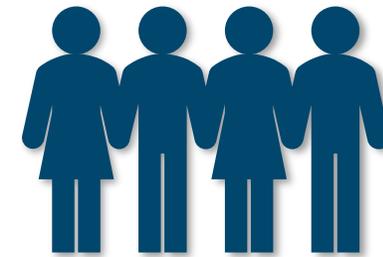
## IMPACT FEES

New development  
shares the cost



## NO IMPACT FEES

Existing and future  
rate payers pay for all  
capital projects



# IMPACT FEE BACKGROUND



- Governed by Chapter 395 of the Texas Local Government Code (TLGC)
- State law requires impact fees to be updated every 5 years
- Why have impact fees?
  - ✓ Allows cities to **recoup costs** associated with infrastructure needed to serve future development, and **makes growth pay for a share of the growth**
  - ✓ Reduces full cost burden of new facilities on **existing customers**

A **Capital Improvement Plan Advisory Committee (CIPAC)** provides study input and written comments to Council on the land use assumptions, CIP, and impact fee

# WHAT IS ELIGIBLE FOR IMPACT FEES?

Components that **can** be paid for through an impact fee program:

- ✓ Recently constructed improvements with excess capacity to accommodate growth within 10 years
- ✓ Construction cost of capital improvements on the 10-Year CIP
- ✓ Survey and Engineering fees
- ✓ Land acquisition costs, including court awards
- ✓ Debt Service of Impact Fee CIP
- ✓ Study/Update Costs

Components that **cannot** be paid for through an impact fee program:

- ✗ Projects not included in the CIP
- ✗ Repair, operation and maintenance of existing or new facilities
- ✗ Upgrades to serve existing development
- ✗ Administrative costs of operating the program
- ✗ Non-CIP debt service

# IMPACT FEE CALCULATION



$$\text{Impact Fee Per SUE} = \frac{\text{Eligible CIP Cost} - \text{Rate Credit}}{\text{Service Unit Growth}}$$

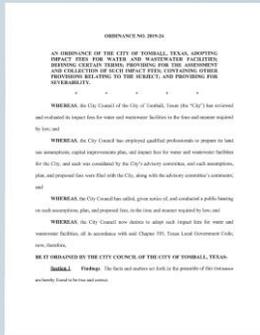
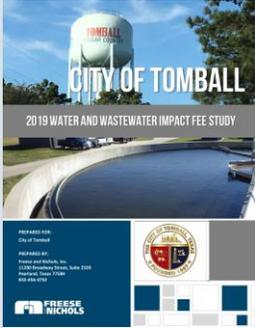
SUE = Service Unit Equivalent (connection for a single-family home)

Eligible CIP Cost = 10-year capital cost (2023 - 2033)

Rate Credit = Chapter 395: Reduce eligible CIP Cost by a credit equal to 50 percent of the total projected cost of implementing the CIP

Service Unit Growth = Derived from land use assumptions for 10-year growth in **SUEs**

# EXISTING IMPACT FEE ORDINANCE



»» Existing impact fees adopted in October 2019

»» Assessed based on the water meter size

Meter Size	Water Impact Fee					
	2014-2019	Proposed 2019-2020	Proposed 2020-2021	Proposed 2021-2022	Proposed 2022-2023	Proposed 2023-2024
3/4"	\$2,325.96	\$2,674.85	\$3,023.75	\$3,372.64	\$3,721.54	\$3,781.00
1"	\$5,814.90	\$4,467.00	\$5,049.66	\$5,632.31	\$6,214.97	\$6,314.27
1-1/2"	\$11,629.80	\$8,907.25	\$10,069.09	\$11,230.89	\$12,392.73	\$12,590.73
2"	\$18,607.68	\$14,256.95	\$16,116.59	\$17,976.17	\$19,835.81	\$20,152.73
3"	\$37,215.36	\$31,215.50	\$35,287.16	\$39,358.71	\$43,430.37	\$44,124.27
4"	\$58,149.00	\$53,497.00	\$60,475.00	\$67,452.80	\$74,430.80	\$75,620.00
6"	\$116,298.00	\$120,368.25	\$136,068.75	\$151,768.80	\$167,469.30	\$170,145.00
8"	\$186,076.80	\$142,649.75	\$161,256.59	\$179,862.89	\$198,469.73	\$201,640.73

Meter Size	Wastewater Impact Fee	
	2014-2019	Proposed 2019-2024
3/4"	\$2,322.57	\$2,521.00
1"	\$5,806.43	\$4,210.07
1-1/2"	\$11,612.85	\$8,394.93
2"	\$18,580.56	\$13,436.93
3"	\$37,161.12	\$29,420.07
4"	\$58,064.25	\$50,420.00
6"	\$116,128.50	\$113,445.00
8"	\$185,805.60	\$134,444.93

**Total Water & Wastewater Impact Fee for 3/4" meter = \$6,302**



## Existing Code of Ordinances Section 46-55 – *Pending Update*

### ARTICLE II. - RATES AND CHARGES



#### Sec. 46-54. - Meters.



Meters for the measurement of utility services furnished by the city shall be furnished and installed by, and shall remain the property of, the city.

(Code 1978, § 24-34; Code 1993, § 82-46)

#### Sec. 46-55. - Separate metering of irrigation systems.



- (a) Upon approval of proper plans and specifications by the city, property owners may request and have set on public property or in an easement as set forth in this section, a water meter which will be used solely for the purpose of metering water for irrigation systems and cooling towers. The volume of water which goes through such meter shall be charged the same rate as for potable water, but shall not be subject to the sewer charge of the city.
- (b) All separately metered irrigation systems and cooling tower systems, shall be tied directly into a city main and shall be equipped with such valves and apparatuses as shall be required in the sole discretion of the city. All such systems shall comply with the laws of the state regulating irrigation and cooling tower systems, which at this time consist primarily of the Irrigation Act, V.T.C.A., Water Code [ch. 11](#).
- (c) The second meter must be installed on public property or in an easement granted to the city, thereby granting the city free access thereto. If a second meter for irrigation purposes or cooling towers is in addition to an existing meter and the existing meter has already been assessed an impact fee or a capital recovery fee, no impact fee shall be payable for the setting of the second meter. All other costs involved with the setting of such meter, including tap fees charged by the city, shall be the same as for the setting of a new meter under any other applicable city codes.
- (d) The city shall be responsible for reading both meters when there is a dual metering system, and the utility department will, in its sole discretion, determine the amount of water being used for irrigation and for cooling towers and the amount of water being used for domestic purposes by the property owner and will, therefore, in its sole discretion, determine the amount of water which is subject only to the water charge and the amount that will be used to determine the amount of sewer charges due from the property owner.

(Code 1993, § 82-47; Ord. No. 90-04, § 24-25, 7-2-1990; Ord. No. 2000-19, § 1, 9-18-2000)

# IMPACT FEE UPDATE PROCESS



Council & CIPAC Workshop: Water & Wastewater Impact Fee 101



Develop 10-Year Land Use Assumptions



Develop 10-Year Impact Fee Capital Improvements Plan



Conduct Impact Fee Calculations and Develop Report



CIPAC Workshop: LUA, CIP, and W & WW Impact Fees



Public Hearing and First Reading of Impact Fee Ordinance



Second Reading & Adoption of Impact Fee Ordinance

## Legend

Council Meeting/Action

CIPAC Meeting

Study Task

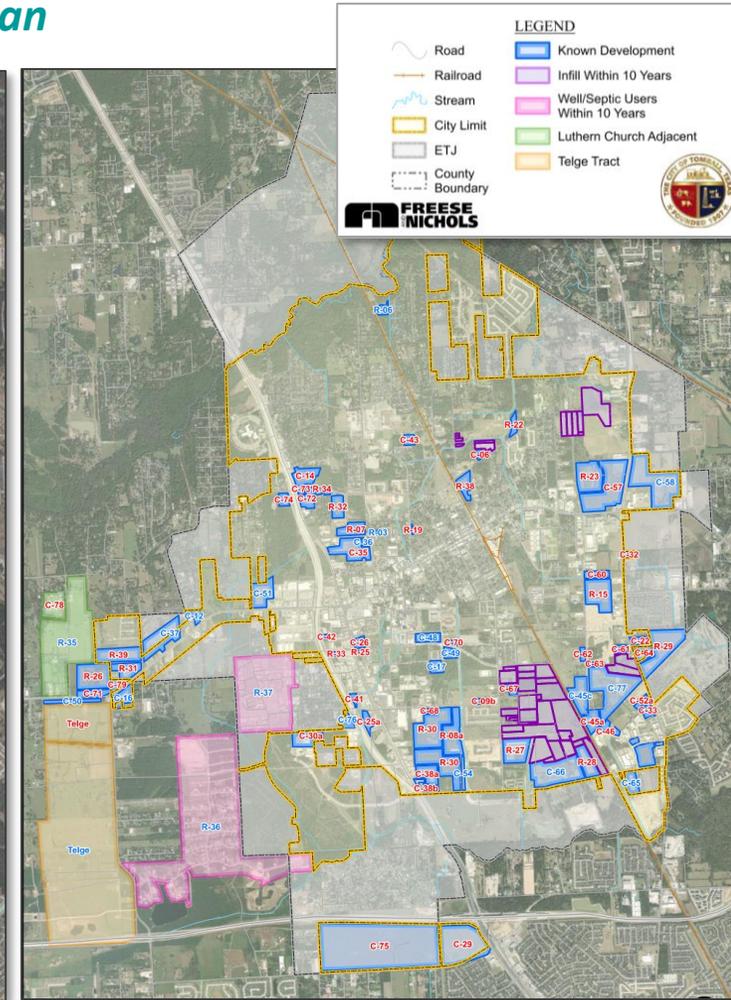
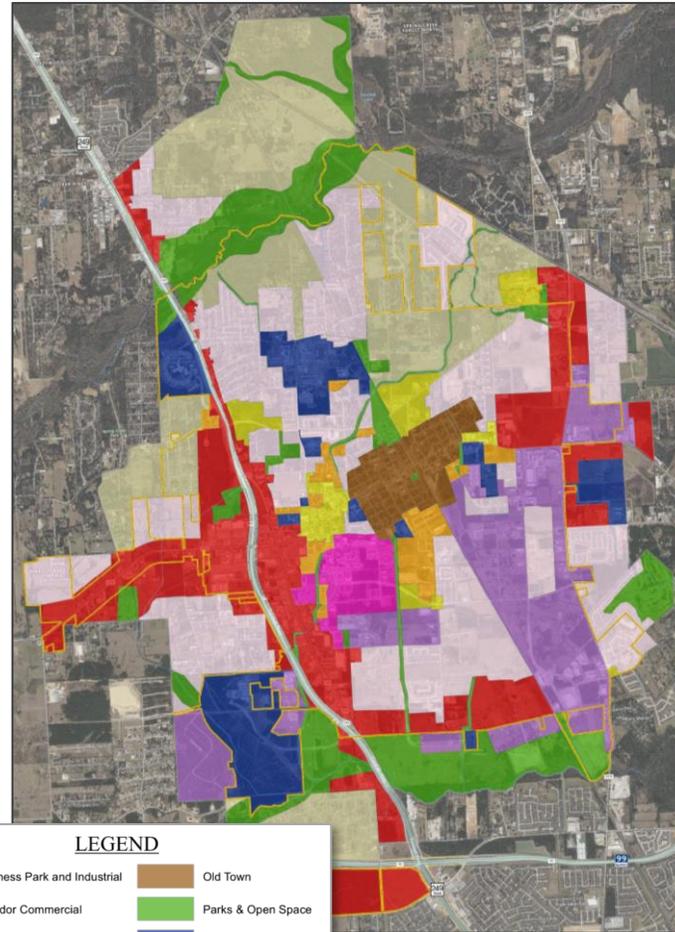
# LAND USE ASSUMPTIONS



## 2019 Future Land Use Plan

### Process to Update Land Use Assumptions

- 1 Delineate impact fee service area
- 2 Catalog existing (2023) population and commercial developments
- 3 Project ten-year (2033) population and commercial developments
- 4 Calculate 10-year growth in service units



## 10-Year Anticipated Future Developments

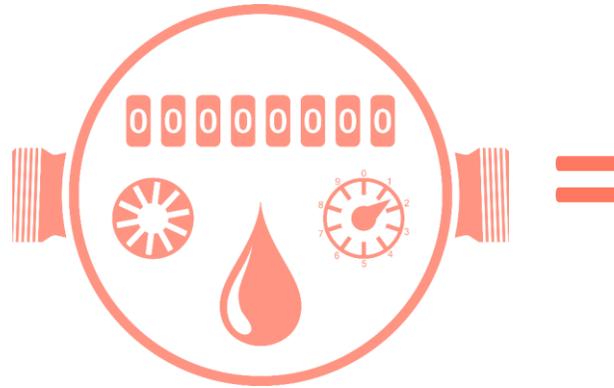
# SERVICE UNIT EQUIVALENTS (SUES)

Meter Size	Safe Maximum Operating Capacity <sup>(1)</sup> (gpm)	Service Unit Equivalent
3/4"	30	1.0
1"	50	1.6
1-1/2"	160	5.3
2"	200	6.6
3"	400	13.3
4"	800	26.6
6"	1,600	53.3
8"	2,700	90.0
10"	5,000	166.6

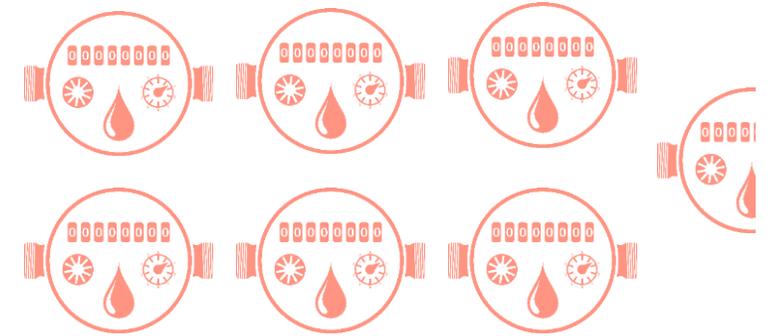
(1) City is currently using Sensus SRI II for 3/4" and 1" meters, Omni R2 for 1-1/2" and 2" meters, and Omni C2 for 3" and larger meters. Safe maximum operating capacities are based on the water meter specifications.

(2) Service unit equivalents shown as rounded to a single decimal point.

2" Water Meter



3/4" Water Meters



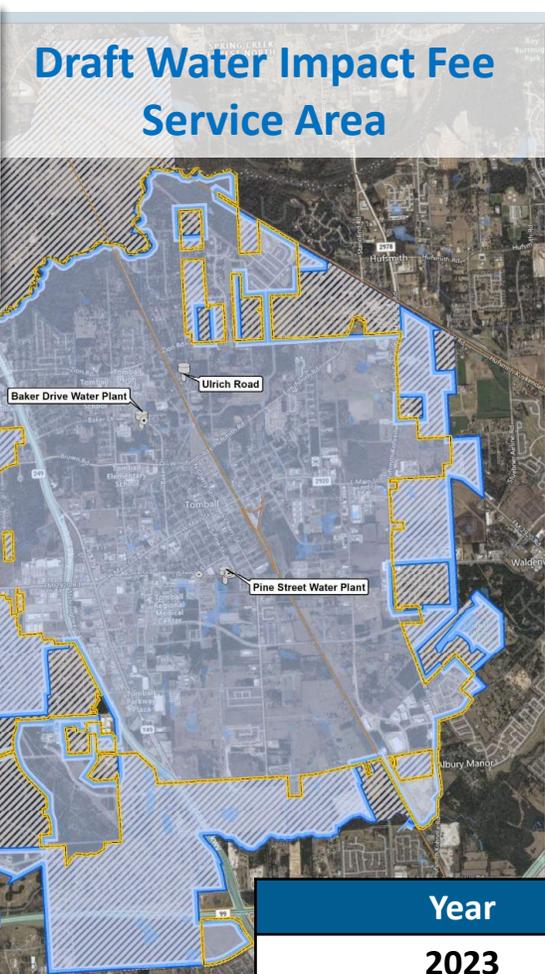
Shopping Center



Single-Family Homes

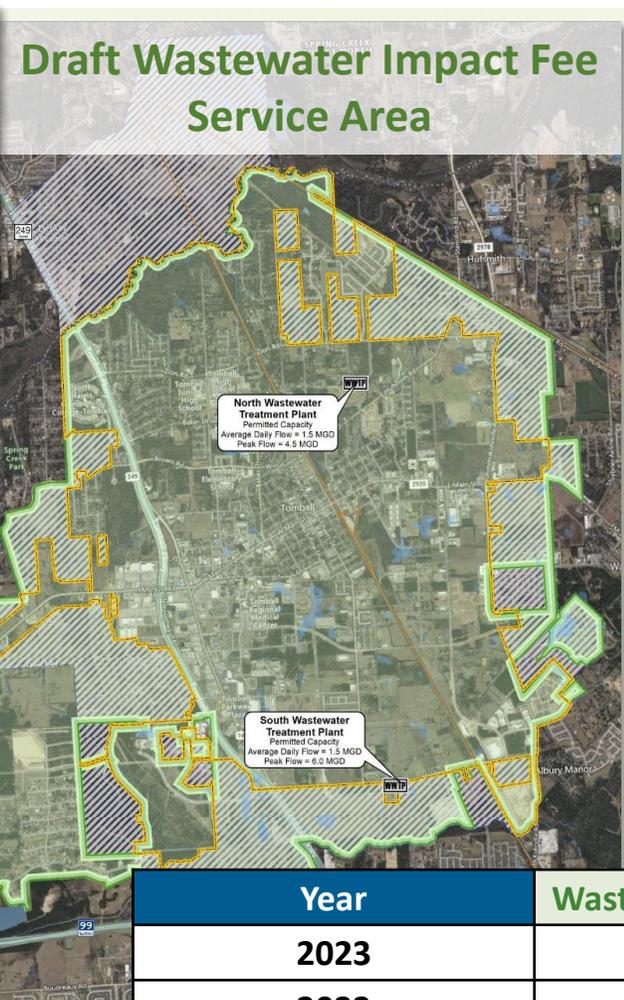
# IMPACT FEE SERVICE AREAS

**DRAFT FIGURE 2-1**  
**CITY OF TOMBALL**  
 WATER AND WASTEWATER  
 MASTER PLAN AND IMPACT FEE UPDATE  
 WATER IMPACT FEE SERVICE AREA



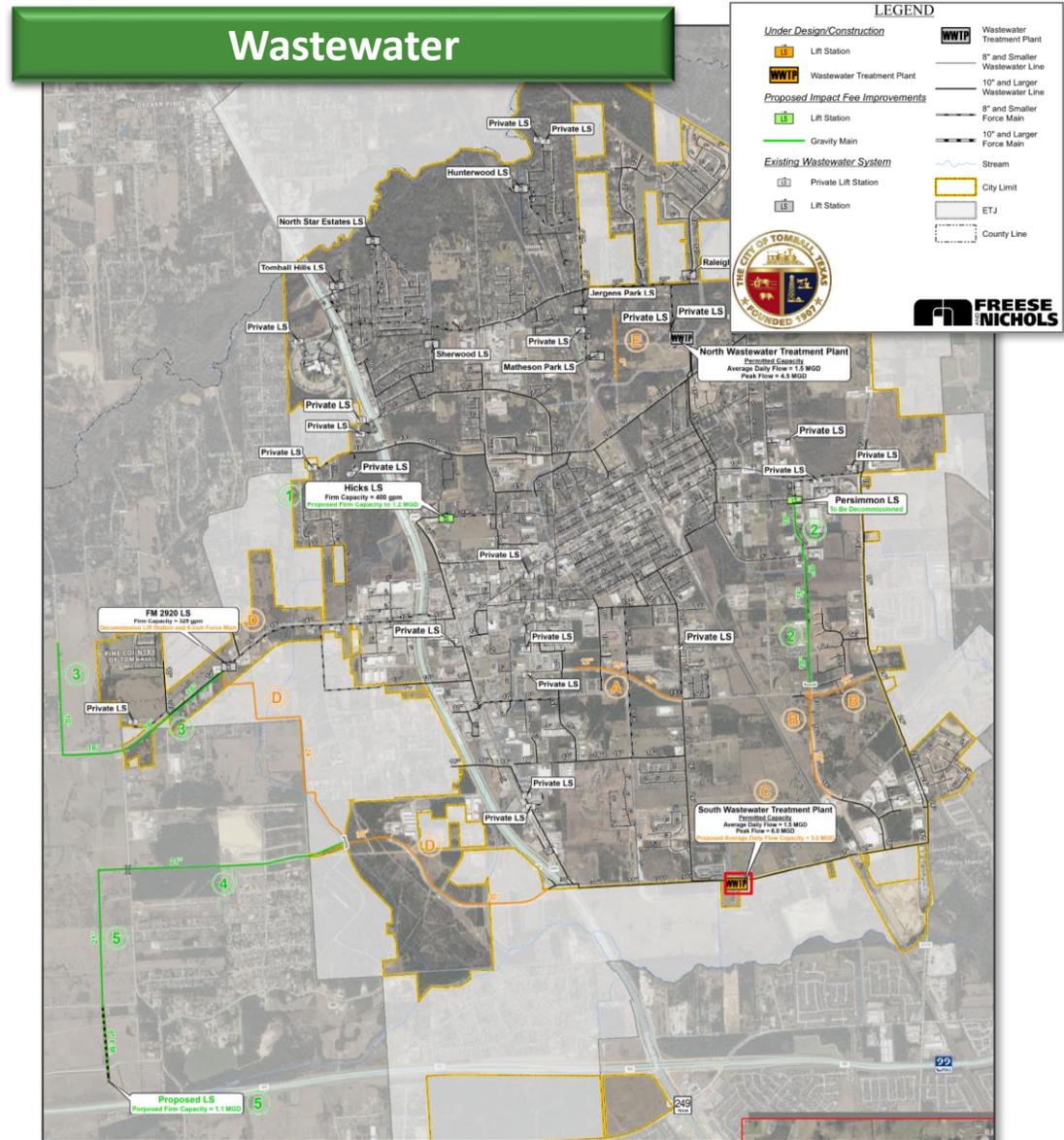
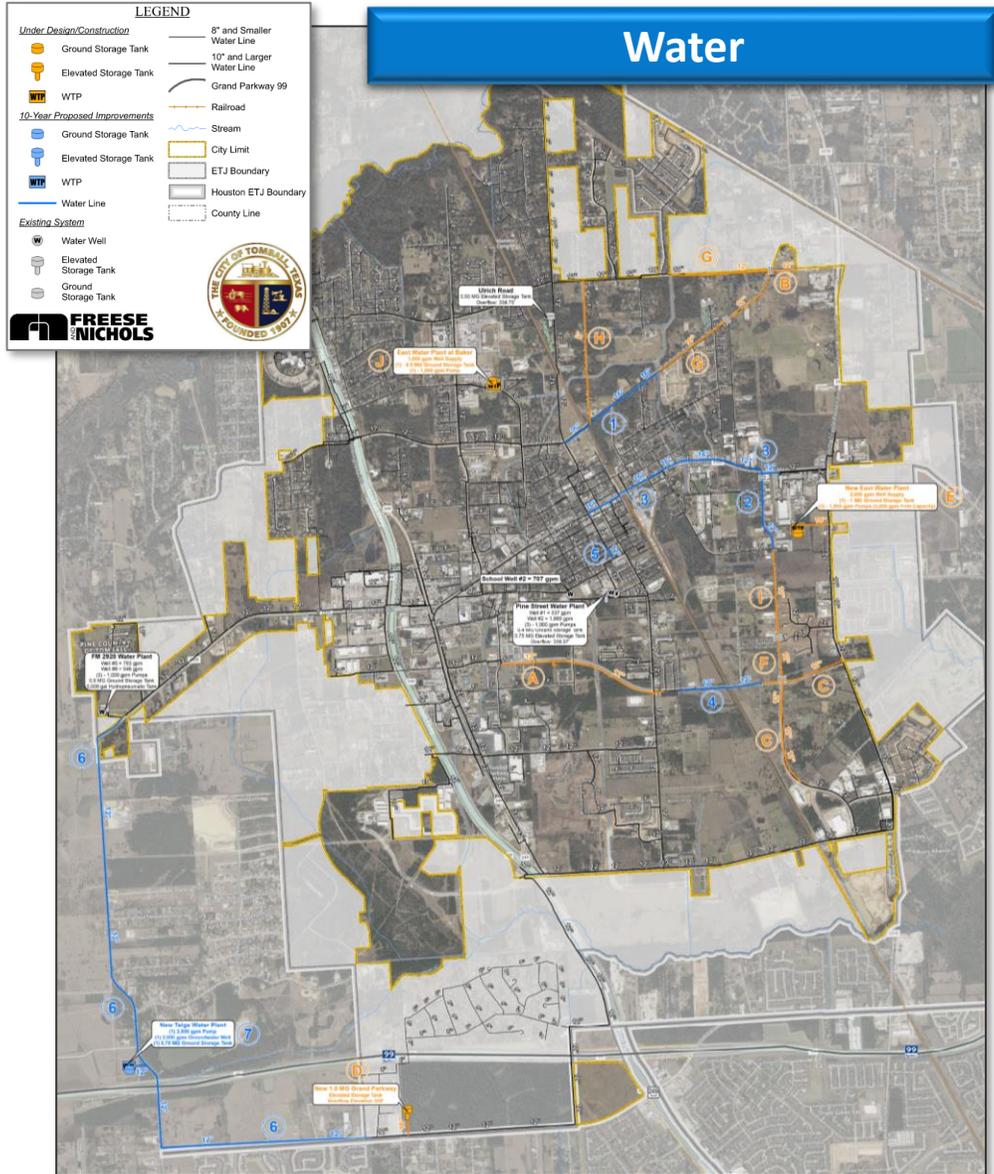
Year	Water SUEs
2023	11,004
2033	19,520
<b>10-Year Growth in SUEs</b>	<b>8,516</b>

**DRAFT FIGURE 2-2**  
**CITY OF TOMBALL**  
 WATER AND WASTEWATER  
 MASTER PLAN AND IMPACT FEE UPDATE  
 WASTEWATER IMPACT FEE SERVICE AREA



Year	Wastewater SUEs
2023	9,543
2033	16,929
<b>10-Year Growth in SUEs</b>	<b>7,386</b>

# CAPITAL IMPROVEMENTS PLAN



# WATER CIP



10-Year Utilization x Capital Cost = 10-Year Cost

Water Project ID	Description of Project	Percent Utilization			10-Year Impact Fee Eligible Cost <sup>(1)</sup> (2023-2033)	
		2023 <sup>(1)</sup>	2033	2023-2033		
Existing/Under Design Water Projects	<b>A</b>	Medical Complex Segment 3	5%	15%	10%	\$50,735
	<b>B</b>	Hufsmith Water Extension	0%	15%	15%	\$79,991
	<b>C</b>	Medical Complex Segment 4	5%	30%	25%	\$232,561
	<b>D</b>	Grand Parkway Elevated Storage Tank (EST)	0%	25%	25%	\$709,625
	<b>E</b>	East Water Plant Phase I	0%	100%	100%	\$19,416,076
	<b>F</b>	South Persimmon Water Line	0%	45%	45%	\$179,334
	<b>G</b>	12/16-Inch Water Line Along Hufsmith Road	10%	20%	10%	\$66,500
	<b>H</b>	Rudolph Road Water Line	0%	10%	10%	\$6,337
	<b>I</b>	South Persimmon Water Line Extension	5%	45%	40%	\$122,388
	<b>J</b>	East Water Plant at Baker Drive	0%	100%	100%	\$10,179,000
	<b>K</b>	Water Master Plan & Impact Fee Update	0%	100%	100%	\$182,500
<b>Existing/Under Design Water Projects Subtotal</b>					<b>\$31,225,047</b>	
Proposed Future Water Projects	<b>1</b>	16-inch Water Line along Hufsmith Road	10%	20%	10%	\$250,792
	<b>2</b>	12-Inch Water Line from Lizzie Lane to FM 2920	5%	45%	40%	\$481,846
	<b>3</b>	12/16-inch Water Line along Main Street	10%	25%	15%	\$745,198
	<b>4</b>	12-inch Water Line along Medical Complex Drive	0%	10%	10%	\$146,415
	<b>5</b>	12-inch Water Line Along Oak Street	30%	70%	40%	\$122,036
	<b>6</b>	12-inch Telge Water Line	0%	40%	40%	\$5,444,724
	<b>7</b>	New Telge Water Plant	0%	90%	90%	\$20,356,044
<b>Proposed Future Water Projects Subtotal</b>					<b>\$27,547,055</b>	
<b>Total 10-Year Impact fee Eligible Water Capital Improvement Project Costs</b>					<b>\$58,772,102</b>	

(1) The costs shown represent the portion of each project's cost anticipated to serve 10-year growth. For projects that will be constructed after 2023, the costs are inflated at 5% annually based on the projected start year. For proposed future projects, a 1.5% legal fee was included in the impact fee eligible cost.

# WASTEWATER CIP

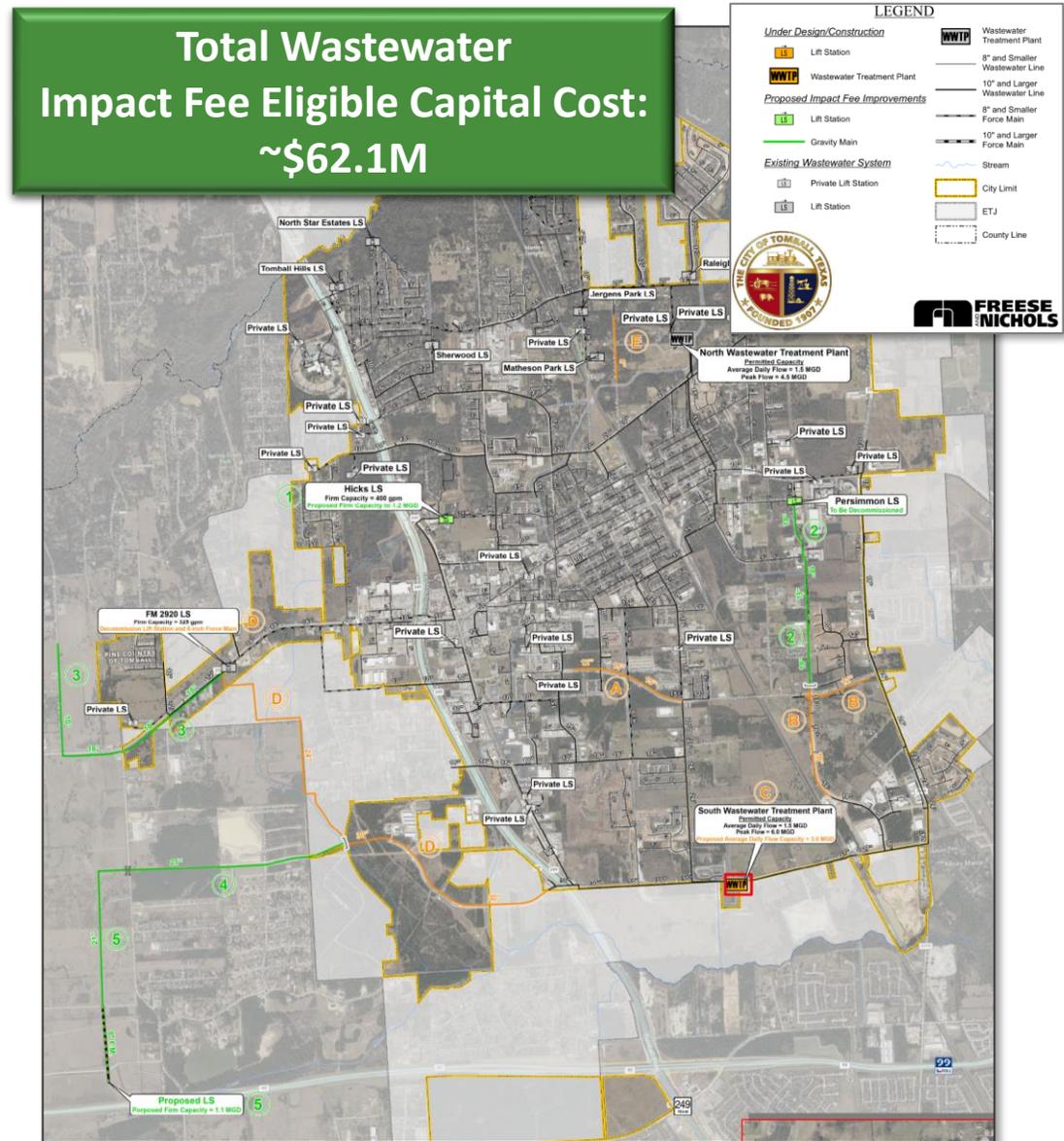
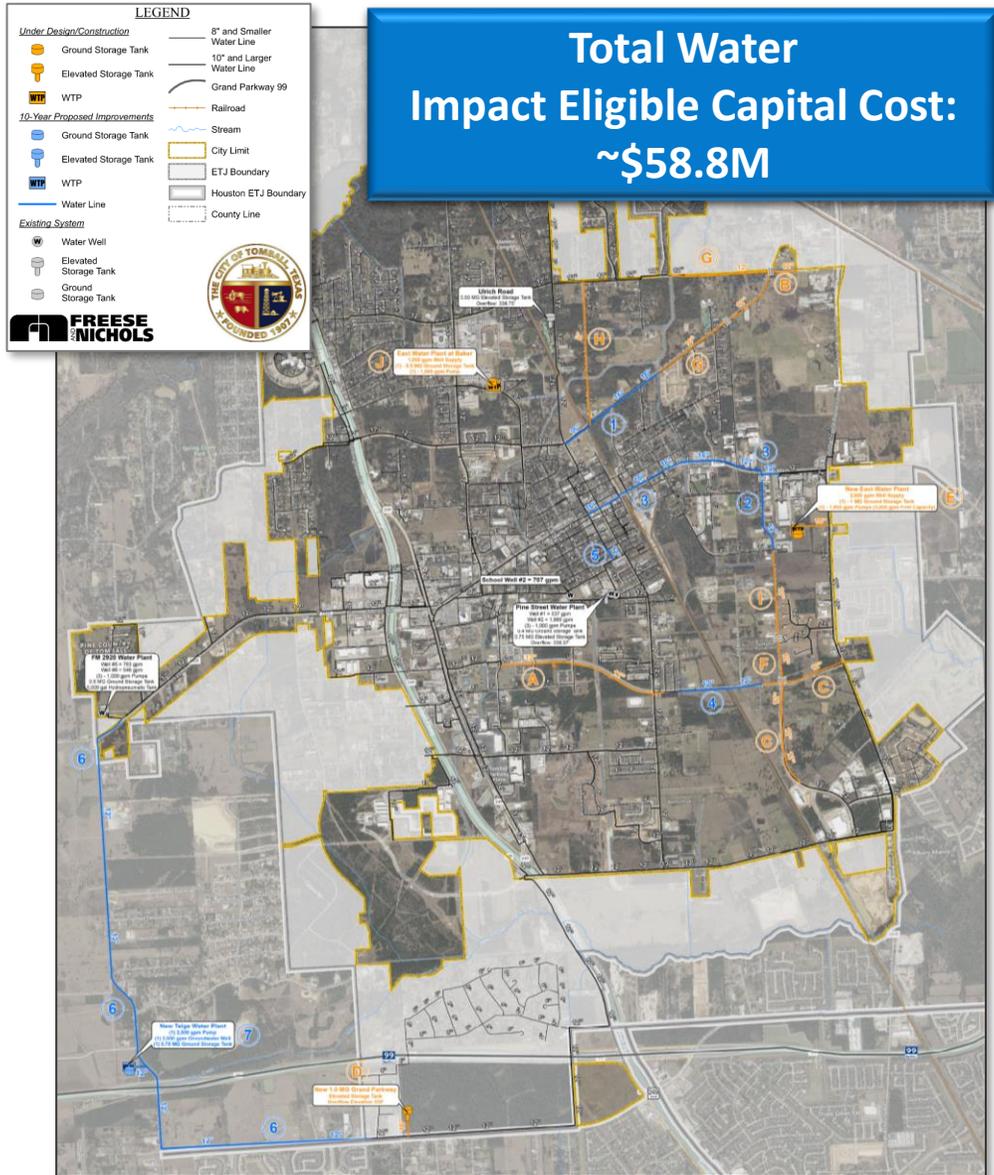


**10-Year Utilization x Capital Cost = 10-Year Cost**

Wastewater Project ID	Description of Project	Percent Utilization			10-Year Impact Fee Eligible Cost <sup>(1)</sup> (2023-2033)	
		2023 <sup>(1)</sup>	2033	2023-2033		
Existing/Under Design Wastewater Projects	<b>A</b>	Medical Complex Segment 3	5%	15%	<b>10%</b>	\$41,782
	<b>B</b>	Medical Complex Segment 4B	5%	40%	<b>35%</b>	\$488,693
	<b>C</b>	South WWTP Expansion	30%	95%	<b>65%</b>	\$44,791,041
	<b>D</b>	FM 2920 Lift Station Consolidation	5%	50%	<b>45%</b>	\$6,871,140
	<b>E</b>	Rudolph Road Sewer Extension	0%	5%	<b>5%</b>	\$24,487
	<b>F</b>	Wastewater Master Plan & Impact Fee Update	0%	100%	<b>100%</b>	\$182,500
	<b>Existing/Under Design Wastewater Projects Subtotal</b>					<b>\$52,399,643</b>
Proposed Future Wastewater Projects	<b>1</b>	Hicks Lift Station (LS) Expansion to 1.2 MGD	85%	90%	<b>5%</b>	\$65,175
	<b>2</b>	18-Inch South Persimmon Gravity Line	5%	35%	<b>30%</b>	\$1,304,925
	<b>3</b>	10/18-inch along Lutheran Church Road and FM 2920 Gravity Line	10%	85%	<b>75%</b>	\$4,111,103
	<b>4</b>	21-inch Telge Gravity Line along Humble Road	0%	40%	<b>40%</b>	\$2,251,279
	<b>5</b>	New 1.1 MGD Telge Lift Station, 8-inch Force Main, and 21-inch Gravity Main	0%	30%	<b>30%</b>	\$1,984,060
	<b>Proposed Future Wastewater Projects Subtotal</b>					<b>\$9,716,542</b>
<b>Total 10-Year Impact fee Eligible Wastewater Capital Improvement Project Costs</b>					<b>\$62,116,185</b>	

(1) The costs shown represent the portion of each project's cost anticipated to serve 10-year growth. For projects that will be constructed after 2023, the costs are inflated at 5% annually based on the projected start year. For proposed future projects, a 1.5% legal fee was included in the impact fee eligible cost.

# CAPITAL IMPROVEMENTS PLAN



# IMPACT FEE CALCULATION



$$\text{Impact Fee Per SUE} = \frac{\text{Eligible CIP Cost} - \text{Rate Credit}}{\text{Service Unit Growth}}$$

SUE = Service Unit Equivalent (connection for a single-family home)

Eligible CIP Cost = 10-year capital cost (2023 - 2033)

Rate Credit = Chapter 395: Reduce eligible CIP Cost by a credit equal to 50 percent of the total projected cost of implementing the CIP

Service Unit Growth = Derived from land use assumptions for 10-year growth in **SUEs**

# DRAFT MAX ALLOWABLE IMPACT FEES

2023 Water Impact Fee Calculation	
Total IF Eligible Capital Improvement Costs	\$58,772,102
Total Eligible Financing Costs <sup>(1)</sup>	\$53,949,182
<i>Total Eligible Impact Fee Costs</i>	<i>\$112,721,284</i>
<i>50% Credit</i>	<i>\$56,360,642</i>
<b>Total Eligible Impact Fee Costs with 50% Credit Applied ①</b>	<b>\$56,360,642</b>
<b>10-Year Growth in Service Unit Equivalents ②</b>	<b>8,516</b>
<b>Maximum Allowable Water Impact Fee ① ÷ ②</b>	<b>\$6,618</b>

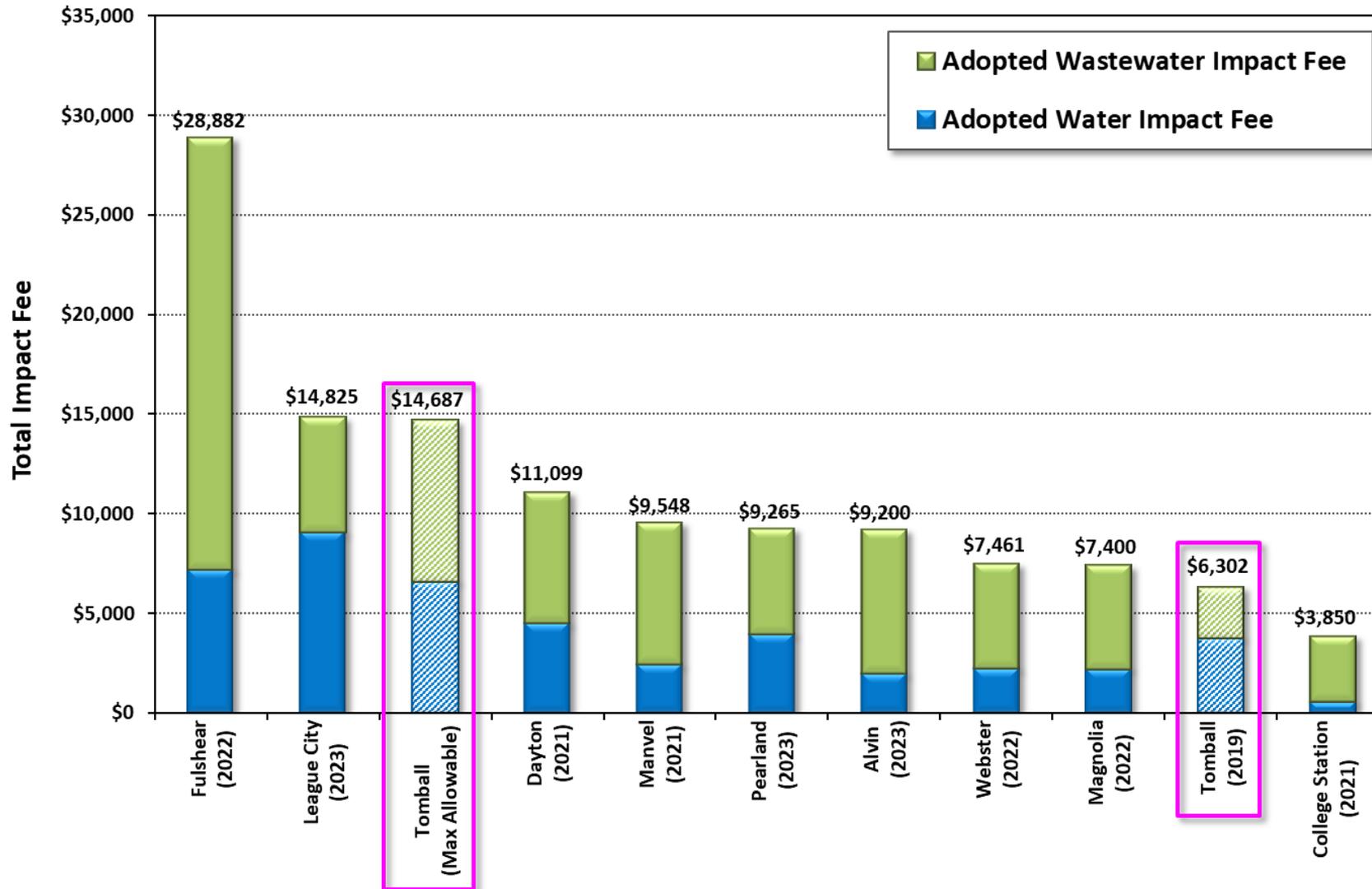
2023 Wastewater Impact Fee Calculation	
Total IF Eligible Capital Improvement Costs	\$62,116,185
Total Eligible Financing Costs <sup>(1)</sup>	\$57,083,094
<i>Total Eligible Impact Fee Costs</i>	<i>\$119,199,279</i>
<i>50% Credit</i>	<i>\$59,599,640</i>
<b>Total Eligible Impact Fee Costs with 50% Credit Applied ①</b>	<b>\$59,599,640</b>
<b>10-Year Growth in Service Unit Equivalents ②</b>	<b>7,386</b>
<b>Maximum Allowable Wastewater Impact Fee ① ÷ ②</b>	<b>\$8,069</b>

# OPTION 1: MAX ALLOWABLE IMPACT FEES



Meter Size	Service Unit Equivalents <sup>(1)</sup>	Maximum Allowable Impact Fees		
		Water	Wastewater	Total
3/4"	1	\$6,618	\$8,069	<b>\$14,687</b>
1"	1.6	\$10,588	\$12,910	<b>\$23,498</b>
1-1/2"	5.3	\$35,075	\$42,765	<b>\$77,840</b>
2"	6.6	\$43,678	\$53,255	<b>\$96,933</b>
3"	13.3	\$88,019	\$107,317	<b>\$195,336</b>
4"	26.6	\$176,038	\$214,635	<b>\$390,673</b>
6"	53.3	\$352,739	\$430,077	<b>\$782,816</b>
8"	90.0	\$595,620	\$726,210	<b>\$1,321,830</b>
10"	166.6	\$1,102,558	\$1,344,295	<b>\$2,446,853</b>

# IMPACT FEE COMPARISON WITH OTHER CITIES



Impact fees shown are for a single-family connection



## CIPAC Workshop: LUA, CIP, and W & WW Impact Fees



### CIPAC Recommendation:

*Recommend Council adopt the maximum allowable water and wastewater impact fees as calculated by the study*



### City of Tomball Capital Improvement Plan Advisory Committee

Date: August 28, 2023

From: Capital Improvement Plan Advisory Committee (CIPAC)

Re: CIPAC Recommendation on Land Use Assumptions, Capital Improvement Plan and Water and Wastewater Impact Fees

Mayor Lori Klein Quinn and City Council,

In accordance with Section 395.056 of the Texas Local Government Code, the CIPAC created under Section 395.058, shall file its written comments on the proposed amendments to the Land Use Assumptions, Capital Improvement Plan, and Water and Wastewater Impact Fees before the fifth business day before the date of the Public Hearing on the amendments.

The CIPAC made its formal recommendation with a unanimous vote during its Special CIPAC Meeting held on August 14, 2023, at 5:00 pm, for the City Council to approve an increase of water and wastewater Impact Fees to the maximum allowable rate as calculated in the Impact Fee Study. The increase is recommended to occur immediately upon Council approval and remain in effect each subsequent year for the next five years.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Barbara Tague'.

Barbara Tague  
CIPAC Chairman

# OPTION 2: PHASED IMPACT FEES



2023 Proposed Water Impact Fees						
Meter Size	2019-2023	Proposed 2023-2024	Proposed 2024-2025	Proposed 2025-2026	Proposed 2026-2027	Proposed 2027-2028
3/4"	\$3,781.00	\$4,678.93	\$5,294.40	\$5,903.26	\$6,512.12	\$6,618.00
1"	\$6,314.27	\$7,485.72	\$8,470.40	\$9,444.50	\$10,418.60	\$10,588.00
1-1/2"	\$12,590.73	\$24,798.03	\$28,060.00	\$31,286.90	\$34,513.80	\$35,075.00
2"	\$20,152.73	\$30,880.35	\$34,942.40	\$38,960.78	\$42,979.16	\$43,678.00
3"	\$44,124.27	\$62,229.44	\$70,415.20	\$78,512.95	\$86,610.70	\$88,019.00
4"	\$75,620.00	\$124,458.87	\$140,830.40	\$157,025.90	\$173,221.40	\$176,038.00
6"	\$170,145.00	\$249,386.48	\$282,191.20	\$314,643.19	\$347,095.18	\$352,739.00
8"	\$201,640.73	\$421,103.34	\$476,496.00	\$531,293.04	\$586,090.08	\$595,620.00
10"	-	\$779,508.51	\$882,046.40	\$983,481.74	\$1,084,917.08	\$1,102,558.00

2023 Proposed Wastewater Impact Fees						
Meter Size	2019-2023	Proposed 2023-2024	Proposed 2024-2025	Proposed 2025-2026	Proposed 2026-2027	Proposed 2027-2028
3/4"	\$2,521.00	\$5,704.79	\$6,455.20	\$7,197.55	\$7,939.90	\$8,069.00
1"	\$4,210.07	\$9,127.37	\$10,328.00	\$11,515.72	\$12,703.44	\$12,910.00
1-1/2"	\$8,394.93	\$30,234.86	\$34,212.00	\$38,146.38	\$42,080.76	\$42,765.00
2"	\$13,436.93	\$37,651.29	\$42,604.00	\$47,503.46	\$52,402.92	\$53,255.00
3"	\$29,420.07	\$75,873.12	\$85,853.60	\$95,726.77	\$105,599.93	\$107,317.00
4"	\$50,420.00	\$151,746.95	\$171,708.00	\$191,454.42	\$211,200.84	\$214,635.00
6"	\$113,445.00	\$304,064.44	\$344,061.60	\$383,628.69	\$423,195.77	\$430,077.00
8"	\$134,444.93	\$513,430.47	\$580,968.00	\$647,779.32	\$714,590.64	\$726,210.00
10"	-	\$950,416.57	\$1,075,436.00	\$1,199,111.14	\$1,322,786.28	\$1,344,295.00

# IMPACT FEE UPDATE SCHEDULE

Action Item	Date	Action By
<del>COUNCIL &amp; CIPAC Workshop – Impact Fees 101</del>	<del>5/1/2023</del>	<del>Council, CIPAC, City Staff, FNI</del>
<del>Council Resolution to set Public Hearing Date for Impact Fees</del>	<del>7/17/2023</del>	<del>Council</del>
<del>Advertise for Public Hearing</del>	<del>Beginning 8/2/2023</del>	<del>City Staff, FNI</del>
<del>CIPAC Workshop – Review Land Use Assumptions, W/WW CIP, and W/WW Impact Fees</del>	<del>8/14/2023</del>	<del>CIPAC, City Staff, FNI</del>
<del>CIPAC Submits Written Comments to Council</del>	<del>By 8/28/2023</del>	<del>CIPAC</del>
<b>PUBLIC HEARING – W/WW Impact Fees</b>	<b>10/16/2023</b>	<b>Council, City Staff, FNI</b>
<b>COUNCIL – First Reading of Impact Fee Ordinance</b>	<b>11/6/2023</b>	<b>Council, City Staff, FNI</b>
<b>COUNCIL – Second Reading of Impact Fee Ordinance*</b>	<b>TBD</b>	<b>Council</b>



*\*Adoption of impact fee ordinance required within 30 days of public hearing*

*Thank you!*



**Ishita Rahman, PE**

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**Richard Weatherly, PE**

(713) 600-6824

e-mail: [Richard.Weatherly@freese.com](mailto:Richard.Weatherly@freese.com)



## **APPENDIX D**

### **Adopted Ordinance**

**ORDINANCE NO. 2023-46**

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

\* \* \* \* \*

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

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

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

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

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

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

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

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

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

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

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

**Section 7. Establishment of Accounts.**

- A. The City shall establish an account to which interest is allocated for each type of capital facility for which an impact fee is imposed pursuant to this Ordinance. Each impact fee collected within the service area shall be deposited in such account.
- B. Interest earned on the account into which the impact fees are deposited shall be considered funds of the account and shall be used solely for the purposes authorized in Section 8 below.
- C. The City shall establish adequate financial and accounting controls to ensure that impact fees disbursed from the account are utilized solely for the purposes authorized in Section 8. Disbursement of funds shall be authorized by the City at such times as are reasonably necessary to carry out the purposes and intent of this Ordinance.

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

**Section 8. Use of Proceeds of Impact Fee Accounts.** The impact fees collected pursuant to this Ordinance may be used to finance or to recoup the costs of any capital improvements or facility expansion identified in the City of Tomball 2023 Water and Wastewater Impact Fee Study for the service area, including but not limited to the construction contract price, surveying and engineering fees, land acquisition costs (including land purchases, court awards and costs, attorney's fees, and expert witness fees). Impact fees may also be used to pay the principal sum and interest and other finance costs on bonds, notes, or other obligations issued by or on behalf of the City to finance such capital improvements or facility expansion. Impact fees also may be used to pay fees actually contracted to be paid to an independent qualified engineer or financial consultant for preparation of or updating the impact fee capital improvements plan.

**Section 9. Refunds and Rebates.**

- A. Upon application, any impact fee, or portion thereof, collected pursuant to this Ordinance, which has not been expended within the service area within ten (10) years from the date of payment, shall be refunded to the record owner of the property for which the impact fee was paid or, if the impact fee was paid by another governmental entity, to such governmental entity, together with interest calculated from the date of collection to the date of refund at the statutory rate as set forth in Section 302.002, Finance Code, or its successor statute. An impact fee shall be considered expended on a first in, first out basis.
- B. Upon application, any impact fee collected pursuant to this Ordinance shall be refunded if:
1. Existing service is available and service is denied; or

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

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

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

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

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 6<sup>TH</sup> DAY OF NOVEMBER, 2023.

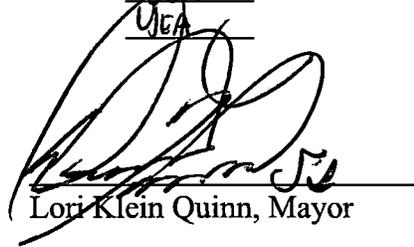
COUNCILMAN FORD	<u>Yea</u>
COUNCILMAN STOLL	<u>Yea</u>
COUNCILMAN DUNAGIN	<u>Yea</u>
COUNCILMAN TOWNSEND	<u>Yea</u>
COUNCILMAN PARR	<u>Yea</u>

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 20<sup>TH</sup> DAY OF NOVEMBER, 2023.

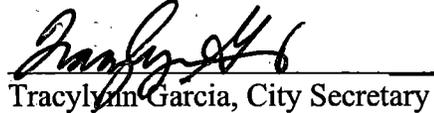
COUNCILMAN FORD	<u>YEA</u>
COUNCILMAN STOLL	<u>YEA</u>
COUNCILMAN DUNAGIN	<u>YEA</u>
COUNCILMAN TOWNSEND	<u>YEA</u>
COUNCILMAN PARR	<u>YEA</u>

*Signed For*



Lori Klein Quinn, Mayor

ATTEST:



Tracy Lynn Garcia, City Secretary

**EXHIBIT A**

<b>Meter Size</b>	<b>Service Unit Equivalents</b>	<b>Impact Fees</b>		
		<b>Water</b>	<b>Wastewater</b>	<b>Total</b>
<b>3/4"</b>	1	\$6,618	\$8,069	<b>\$14,687</b>
<b>1"</b>	1.6	\$10,588	\$12,910	<b>\$23,498</b>
<b>1-1/2"</b>	5.3	\$35,075	\$42,765	<b>\$77,840</b>
<b>2"</b>	6.6	\$43,678	\$53,255	<b>\$96,933</b>
<b>3"</b>	13.3	\$88,019	\$107,317	<b>\$195,336</b>
<b>4"</b>	26.6	\$176,038	\$214,635	<b>\$390,673</b>
<b>6"</b>	53.3	\$352,739	\$430,077	<b>\$782,816</b>
<b>8"</b>	90.0	\$595,620	\$726,210	<b>\$1,321,830</b>
<b>10"</b>	166.6	\$1,102,558	\$1,344,295	<b>\$2,446,853</b>