
City Council Regular Meeting

DEPARTMENT: Public Works & Engineering
FROM: Errick Thompson, P.E., CFM®, Director
MEETING: May 20, 2024

SUBJECT:

Hold a Public Hearing and consider approval of an ordinance amending the Roadway Impact Fee Ordinance (CSO#5346-12-2023); finding that the meeting at which this ordinance is passed was open to the public and that the recitals are true; containing a severability clause, cumulative clause, and effective date. (*First Reading*) (*Staff Contact: Errick Thompson, Director of Public Works & Engineering*)

SUMMARY:

According to Chapter 395 of the Texas Local Government Code, “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. Impact fees are a one-time charge assessed to new development to generate revenue to fund roadway capital facilities necessitated by new development. The collection of impact fees allows the cost of capital improvements to be offset by providing an alternative funding mechanism.

The projected 10-year growth based on land use assumptions included in the City’s comprehensive planning document is utilized to establish future infrastructure demands and population projections. This data is further analyzed to determine the number of service units in order to calculate the impact fee required by the new development.

The City of Burleson first adopted impact fees for roadway infrastructure in 2017. City Council appointed eight members to the Capital Improvements Program Advisory Committee in March 2023 and, most recently, a ninth member in September 2023. The committee met five times over a three-month period to review the land use assumptions, capital improvement plan, and roadway impact fee study completed by the City’s consultant. After reviewing all of the information presented, the committee recommended increasing the impact fee collection to the maximum allowable by state law in all service areas. The City Council approved the committee’s recommendation with the exception of approving a zero-dollar fee for industrial uses within Service Area D. Minor text amendments were also approved by the City Council.

Staff proposes to amend the ordinance and include property recently annexed into the city and additional identified minor text amendments. Examples of the minor text amendments are summarized below:

- Remove language providing an exemption from roadway impact fees for one year after the date of the adoption of the ordinance
- Including language stating the most recent maximum assessable fee per Service Unit will be required
- Remove language providing for the maximum assessable roadway impact fee may be used in evaluating any claim by a property owner the dedication or construction of a capital improvement is disproportionate. The City is developing a Rough Proportionality Analysis, and this language will no longer be applicable.

RECOMMENDATION:

Approve an ordinance amending the Roadway Impact Fee Ordinance (CSO#5346-12-2023); finding that the meeting at which this ordinance is passed was open to the public and that the recitals are true; containing a severability clause, cumulative clause, and effective date. (*First Reading*)

PRIOR ACTION/INPUT (Council, Boards, Citizens):

The Capital Improvements Program Advisory Committee (CIPAC) developed the recommended changes to roadway impact fees at their June 22, 2023 meeting.

Development community representatives received an overview of the CIPAC recommendations at a Developers Roundtable meeting held on August 17, 2023.

The City Council received an overview of the CIPAC recommendations at the October 2, 2023 City Council meeting.

The City Council approved and adopted an amendment to the Roadway Impact Fee Ordinance (CSO#5346-12-2023) on December 11, 2023.

STAFF CONTACT:

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