

## **AN ORDINANCE**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS, AMENDING THE CITY OF FAIR OAKS RANCH CODE OF ORDINANCES, CHAPTER 13 “UTILITIES”, ARTICLE 13.08 “WATER AND WASTEWATER IMPACT FEES” TO INCLUDE AMENDMENTS TO LAND USE ASSUMPTIONS, CAPITAL IMPROVEMENT PLANS, AND WATER AND WASTEWATER IMPACT FEES; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Texas Local Government Code Chapter 395 governs the financing of capital improvements required by new development in municipalities, counties, and certain other local governments; and

**WHEREAS**, the City has imposed impact fees against new development to generate revenue for funding or recouping costs of capital improvements or facility expansions necessitated by and attributable to new development since 1999; and

**WHEREAS**, a political subdivision imposing an impact fee shall update the land use assumptions (LUA) and capital improvement plan (CIP) at least every five years, and where the last update occurred on March 5, 2020; and

**WHEREAS**, on September 5, 2024, the City Council authorized the execution of a work authorization with Freese and Nichols, Inc., a qualified, professional engineering firm, to update the City’s LUA, CIP and calculate water and wastewater impact fees; and

**WHEREAS**, on April 8, 2025, the Capital Improvements Advisory Committee reviewed the updates and recommended approval of the proposed amendments to the LUA, CIP, and water and wastewater impact fees; and

**WHEREAS**, the City Council has received the proposed amendments to the LUA, CIP and water and wastewater impact fees and conducted a public hearing to receive public testimony on the amendments in accordance with Texas Local Government Code Chapter 395; and

**WHEREAS**, the City Council finds it in the best interest of the City to approve the proposed amendments to the LUA, CIP and water and wastewater impact fees.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIR OAKS RANCH, TEXAS:**

**Section 1.** Chapter 13 “Utilities”, Article 13.08 “Water and Wastewater Impact Fees” is hereby amended as set forth in the attached **Exhibit A**.

**Section 2.** That the recitals contained in the preamble hereto are hereby found to be true and such recitals are hereby made a part of this ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

**Section 3.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance be severable, and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared invalid by judgment or decree of any court of competent jurisdiction, such invalidity shall not

affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance and the remainder of this ordinance shall be enforced as written.

- Section 4.** That it is officially found, determined, and declared that the meeting at which this ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.
- Section 5.** The provisions of this ordinance shall be cumulative of all ordinances not repealed by this ordinance and ordinances governing or regulating the same subject matter as that covered herein.
- Section 6.** If any provision of this ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this ordinance would have been enacted without such invalid provision.
- Section 7.** All ordinances, or parts thereof, which are in conflict or inconsistent with any provision of this ordinance are hereby repealed to the extent of such conflict, and the provisions of this ordinance shall be and remain controlling as to the matters ordained herein.
- Section 8.** This ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.
- Section 9.** This ordinance shall take effect immediately from and after its second reading, passage and any publication requirements as may be required by governing law.

**PASSED and APPROVED on first reading by the City Council of the City of Fair Oaks Ranch, Texas, on this 17<sup>th</sup> day of July 2025.**

**PASSED, APPROVED, and ADOPTED on second and final reading by the City Council of the City of Fair Oaks Ranch, Texas, on this 7<sup>th</sup> day of August 2025.**

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Gregory C. Maxton, Mayor

ATTEST:

APPROVED AS TO FORM:

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Amanda Valdez, TRMC  
Deputy City Secretary

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Denton Navarro Rodriguez Bernal Santee & Zech  
P.C., City Attorney

## EXHIBIT A

Chapter 13 "Utilities," Article 13.08 "Water and Wastewater Impact Fees" is hereby amended as follows:

[Deletions shown as strikethrough and additions shown as underscore]

### Sec. 13.08.008 Fees Per Service Unit

The impact fees per living unit equivalent (LUE) for water and wastewater shall be assessed according to the following tables:

<u>Ordinance 2025-XX Impact Fees Effective August 7, 2025</u>				
<u>Meter Size</u>	<u>LUE Equivalent</u>	<u>Maximum Water Impact Fee</u>	<u>Maximum Wastewater Impact Fee</u>	<u>Combined Maximum Impact Fee</u>
<u>3/4" Displacement</u>	<u>1.0</u>	<u>\$21,013.00</u>	<u>\$9,943.00</u>	<u>\$30,956.00</u>
<u>1" Displacement</u>	<u>1.6</u>	<u>\$33,620.80</u>	<u>\$15,908.80</u>	<u>\$49,529.60</u>
<u>1-1/2" Displacement</u>	<u>2.0</u>	<u>\$42,026.00</u>	<u>\$19,886.00</u>	<u>\$61,912.00</u>
<u>2" Compound</u>	<u>6.4</u>	<u>\$134,483.20</u>	<u>\$63,635.20</u>	<u>\$198,118.40</u>
<u>3" Compound</u>	<u>12.8</u>	<u>\$268,966.40</u>	<u>\$127,270.40</u>	<u>\$396,236.80</u>
<u>4" Compound</u>	<u>20.0</u>	<u>\$420,260.00</u>	<u>\$198,860.00</u>	<u>\$619,120.00</u>
<u>6" Compound</u>	<u>40.0</u>	<u>\$840,520.00</u>	<u>\$397,720.00</u>	<u>\$1,238,240.00</u>
<u>8" Compound</u>	<u>64.0</u>	<u>\$1,344,832.00</u>	<u>\$636,352.00</u>	<u>\$1,981,184.00</u>
<u>Safe maximum operation capacity is based on AWWA Manual M6 (November 2018)</u>				

<u>Ordinance 2020-04 Impact Fees Effective March 5, 2020</u>				
<u>Meter Size</u>	<u>LUE Equivalent</u>	<u>Maximum Water Impact Fee</u>	<u>Maximum Wastewater Impact Fee</u>	<u>Combined Maximum Impact Fee</u>
<u>3/4" Displacement</u>	<u>1.0</u>	<u>\$8,670.33</u>	<u>\$6,068.64</u>	<u>\$14,738.97</u>
<u>1" Displacement</u>	<u>1.6</u>	<u>\$13,872.53</u>	<u>\$9,709.82</u>	<u>\$23,582.35</u>
<u>1-1/2" Displacement</u>	<u>2.0</u>	<u>\$17,340.66</u>	<u>\$12,137.28</u>	<u>\$29,477.94</u>
<u>2" Compound</u>	<u>6.4</u>	<u>\$55,490.11</u>	<u>\$38,839.30</u>	<u>\$94,329.41</u>
<u>3" Compound</u>	<u>12.8</u>	<u>\$110,980.22</u>	<u>\$77,678.59</u>	<u>\$188,658.82</u>

## EXHIBIT A

4" Compound	20.0	\$173,406.60	\$121,372.80	\$294,779.40
6" Compound	40.0	\$346,813.20	\$242,745.60	\$589,558.80
8" Compound	64.0	\$554,901.12	\$388,392.96	\$943,294.08
Safe maximum operation capacity is based on AWWA Manual M6 (November 2018)				

Ordinance 2014-18 Impact Fees Effective December 19, 2014				
Meter Size	LUE Equivalent	Maximum Water Impact Fee	Maximum Wastewater Impact Fee	Combined Maximum Impact Fee
3/4" Displacement	1.00	\$5,400.00	\$1,550.00	\$6,950.00
1" Displacement	1.67	\$9,018.00	\$2,588.50	\$11,606.50
1-1/2" Displacement	3.33	\$17,982.00	\$5,161.50	\$23,143.50
2"	5.33	\$28,782.00	\$8,261.50	\$37,043.50
3" Compound	10.70	\$57,780.00	\$16,585.00	\$74,365.00
3" Turbine	11.70	\$63,180.00	\$18,135.00	\$81,315.00
4" Compound	16.70	\$90,180.00	\$25,885.00	\$116,065.00
4" Turbine	20.00	\$108,000.00	\$31,000.00	\$139,000.00
6" Compound	33.30	\$179,820.00	\$51,615.00	\$231,435.00
6" Turbine	41.70	\$225,180.00	\$64,635.00	\$289,815.00
8" Compound	53.30	\$287,820.00	\$82,615.00	\$370,435.00
8" Turbine	60.00	\$324,000.00	\$93,000.00	\$417,000.00
Safe maximum operating capacity is based on AWWA Standards C700 and C702				

Ordinance 145.0 Impact Fees Effective January 15, 2004				
Meter Size	LUE Equivalent	Maximum Water Impact Fee	Maximum Wastewater Impact Fee	Combined Maximum Impact Fee
3/4" Displacement	1	\$1,669.58	\$1,006.95	\$2,676.53
1" Displacement	1.67	\$2,788.20	\$1,681.61	\$4,469.81
1-1/2" Displacement	3.33	\$5,559.70	\$3,353.14	\$8,912.84

## EXHIBIT A

2" Displacement	5.42	\$9,049.12	\$5,457.67	\$14,506.79
2" Compound	5.42	\$9,049.12	\$5,457.67	\$14,506.79
3" Compound	10.63	\$17,747.64	\$10,703.88	\$28,451.51
3" Turbine	11.67	\$19,484.00	\$11,751.11	\$31,235.11
4" Compound	16.67	\$27,831.90	\$16,785.86	\$44,617.76
4" Turbine	17.50	\$29,217.65	\$17,621.63	\$46,839.28
6" Compound	33.33	\$55,647.10	\$33,561.64	\$89,208.74
6" Turbine	45.83	\$76,516.85	\$46,148.52	\$122,665.37
8" Compound	54.17	\$90,441.15	\$54,546.48	\$144,987.63
8" Turbine	66.67	\$111,310.90	\$67,133.36	\$178,444.26
Safe maximum operating capacity is based on AWWA Manual M22 (1975 T-5.6,5.7,5.8)				

Ordinance 131.0 Wastewater Impact Fees Effective June 1, 1999				
Ordinance 134.0 Water Impact Fees Effective December 7, 1999				
Meter Size	LUE Equivalent	Maximum Water Impact Fee	Maximum Wastewater Impact Fee	Combined Maximum Impact Fee
3/4"	1	\$960.00	\$1,028.00	\$1,988.00
1"	2.5	\$2,399.00	\$1,028.00	\$3,427.00
1-1/2"	4.998	\$4,798.00	\$1,028.00	\$5,826.00
2"	7.996	\$7,676.00	\$1,028.00	\$8,704.00
3"	17.4906	\$16,791.00	\$1,028.00	\$17,819.00
Safe maximum operating capacity recommended by AWWA				

(Ordinance 2020-04, Sec. A, adopted 3/5/20)

## EXHIBIT A

### *Division 2. Water Facilities Fees*

#### **Sec. 13.08.041 Water Service Area**

The boundaries of the water service area may be amended from time to time, and new water service areas may be delineated, pursuant to the procedures set forth in V.T.C.A., Local Government Code, ch. 395 and its successors. (Ordinance 145.0, Sec. 2.01, adopted 1/15/04)

#### **Sec. 13.08.042 Land Use Assumptions ~~Plan~~**

The land use assumptions ~~plan~~ for the City for water impact fee calculation purposes, prepared by Freese and Nichols, Inc. and dated June 2025, ~~facilities approved by the City Council on June 21, 2018~~, is hereby adopted and incorporated herein by reference.

#### **Sec. 13.08.043 Water Capital Improvements Plan**

(a) The water capital improvements plan for the City for impact fee calculation purposes, prepared by Freese and Nichols, Inc. and dated ~~January 2020~~ June 2025 is hereby adopted, and incorporated herein by reference and filed in the City Secretary's Office.

(Ordinance 2020-04, Sec. B, adopted 3/5/20)

(b) The water capital improvements plan may be amended from time to time pursuant to the procedures set forth in V.T.C.A., Local Government Code, ch. 395 and its successors. (Ordinance 145.0, Sec. 2.03, adopted 1/15/04)

#### **Secs. 13.08.044 - 13.08.070 Reserved**

### *Division 3. Wastewater Facilities Fees*

#### **Sec. 13.08.071 Wastewater Service Area**

The boundaries of the wastewater service area may be amended from time to time, and new wastewater service areas may be delineated, pursuant to the procedures set forth in V.T.C.A., Local Government Code, ch. 395 and its successors. (Ordinance 145.0, Sec. 3.01, adopted 1/15/04)

#### **Sec. 13.08.072 Land Use Assumptions ~~Plan~~**

The land use assumptions ~~plan~~ for the City for wastewater impact fee calculation purposes, prepared by Freese and Nichols, Inc. and dated June 2025, ~~facilities approved by the City Council on June 21, 2018~~, is hereby adopted and incorporated herein by reference.

#### **Sec. 13.08.073 Wastewater Capital Improvements Plan**

(a) The wastewater capital improvements plan for the ~~City~~ for impact fee calculation purposes, prepared by Freese and Nichols, Inc. and dated ~~January 2020~~ June 2025, is hereby adopted, and incorporated herein by reference and filed in the City Secretary's Office.

(Ordinance 2020-04, Sec. C, adopted 3/5/20)

(b) The wastewater capital improvements plan may be amended from time to time pursuant to the procedures set forth in V.T.C.A., Local Government Code, ch. 395 and its successors. (Ordinance 145.0, Sec. 3.03, adopted 1/15/04)