



2020 STORMWATER IMPACT FEE STUDY

CITY OF WILLOW PARK, TEXAS

AUGUST 2020

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Acknowledgements

During the course of this rate study, key City staff members expended considerable time and effort in assisting with this study. These employees included Bryan Grimes, Toni Moore, and many others. We sincerely thank these individuals for their hard work, dedication and professionalism, without whom this study would not have been successfully completed.

Jacob and Martin has relied upon the extensive data supplied by the City. Thus, the integrity of the study is largely dependent upon the accuracy of the data contained herein. Every effort has been made by Jacob and Martin to validate and confirm the information contained herein prior to the preparation of the final study documents. This report presents no assurance or guarantee that the forecast contained herein will be consistent with actual results or performances. This report represents forecasts based on a series of assumptions about future behavior, and are not guarantees. Any changes in assumptions or actual events may result in significant revisions to the forecast and its conclusions. The cash flow projections and debt service coverage calculations are not intended to present overall financial positions, results of operations, and/or cash flows for the periods indicated, which is in conformity with guidelines for presentation of a forecast established by the American Institute of Certified Public Accountants.



Section 1

Executive Summary



1.1 General Background

The State of Texas defines impact fees 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” and has rules in place regarding municipal impact fees. “*Local Government Code/Title 12. Planning and Development/Subtitle C. Planning and Development Provisions Applying to More than One type of Local Government/Chapter 395. Financing Capital Improvements Required by New Development in Municipalities, Counties, and Certain Other Local Governments*” governs how a municipality can create and maintain impact fees. A copy of these regulations is included in Appendix A.

Texas State rules mandate that an impact fee analysis is required before impact fees are set. Section 395 also requires that the analysis be updated, at a minimum, every five years with respect to land use assumptions and capital improvement plans (CIPs).

This purpose of this study is to explain the methodology used to analyze and create stormwater impact fees for the City of Willow Park. It is believed that all requirements of the Texas Local Government Code Section 395, for the establishment of stormwater impact fees, have been satisfied by this study.

The statutory authority for impact fees, was established by the Texas Legislature in 1987. These state laws provide for the means to allow municipalities to lessen the impact that growth has on their existing systems and to allow a viable way to place some of the burden of this growth on future new development.

The following is a summary of the key regulations and components of a municipal impact fee system, under the current Chapter 395 regulations.

- The time period that the impact fee and land use assumptions must be updated is a minimum of 5 years.
- The impact fee must be based on capital improvements necessary for growth during a specific time period; typically, no longer than 10 years.
- A public hearing is required to discuss land use assumptions and capital improvements.
- A public hearing is required to discuss any adoption of impact fees.



- A 50% credit is applied to the total cost of growth per service unit during the 10-year time period to account for revenue generated by sales for the service provider. The 50% credit is the maximum allowable fee that can be collected from new development unless the service provider performs a credit analysis to determine if a higher than 50% credit is applicable.

Impact fees can be used to pay for:

- Construction contract price
- Surveying and Engineering fees
- Land and easement acquisition costs
- Fees paid to the consultant preparing or updating the CIP
- Projected interest charges and other finance costs for facilities expansions identified in the CIP

Impact fees cannot be used to pay for:

- Construction, acquisition or expansion of public facilities or assets other than capital improvements or facility expansions identified in the CIP
- Repair, operation, or maintenance of existing or new capital improvements or facility expansions
- Upgrading, updating, expanding, or replacing existing capital improvements to serve existing development in order to meet stricter regulatory standards
- Upgrading, updating, expanding, or replacing existing capital improvements to provide better service to existing developments
- Administrative and operating costs
- Principal payments and interest or other finance charges on bonds or other indebtedness, except as allowed above

The impact fee analysis prepared follows the general set of procedures in Subchapter B of Chapter 395, Authorization of Impact Fee. The impact fee analysis involves determining the utilization of existing and proposed projects, as defined by the capital improvements plan, required to serve new development over a reasonable time period, not to exceed 10 years.



Section 2

Land Use Assumptions



2.1 Purpose

Chapter 395 of the Texas Local Government Code describes the process by which cities in Texas must formulate the development of impact fees. To assist the City of Willow Park in determining the need and timing of capital improvements to serve future development, a reasonable estimation of future growth is required.

For the purposes of determining an impact fee structure, growth and development projections were formulated based on assumptions pertaining to the type, location, quantity, and timing of various future land uses in the community. The purpose of this section of the study is to establish and document the methodology used for preparing the growth and land use assumptions for the City of Willow Park. These land use assumptions, which include population projections, will become the basis for the preparation of impact fees for the stormwater capital improvement plans for the City of Willow Park.

2.2 Elements of the Land Use Assumptions

This section contains:

- A. Explanation of the general methodology used to prepare the land use assumptions.
- B. Historical data analysis.
- C. Base year data – Information on population and land use for the City of Willow Park, December 2019.
- D. Future 10-Year data - Information on population and land use for the City of Willow Park in the year 2029.
- E. Land use – Maps of current and future land use for the City of Willow Park.

2.3 Methodology

The land use assumptions and future growth projections take into account several factors influencing development patterns, including:

- Type, density and quantity of existing development
- Existing zoning patterns
- Current growth trends



- Location and configuration of vacant land
- Availability of land for residential growth

The data used to compile these land use assumptions was obtained from the City of Willow Park. The 10-year growth projections were calculated based upon reasonable growth rates using past absorption rates and development proposals known or approved by the City, as well as population projection data. Using the growth assumptions and capital improvements needed to support growth, it is possible to develop an impact fee structure that fairly allocates improvement costs to growth areas in relationship to their impact on the entire infrastructure system.

2.4 Base Data (Year 2019)

In any evaluation and projection of future land use patterns, a documentation of existing conditions is essential. Existing land use patterns for the City of Willow Park were provided by the City staff. This information will serve as a basis for future growth. Appendix B contains the existing land use plan for the City of Willow Park. Table 2 below represents a summary of existing land use assumptions for the City, as taken from the comprehensive plan.

Table 2: Current Land Use and Population Data

Land Use	Within City Limits	
	Acreage	Population
Residential	2,243	5,855
Commercial/Industrial	322	-

2.5 Growth Assumptions

Growth assumptions were characterized and based on population to arrive at a reasonable growth rate. The following assumptions have been made as a basis from which a 10-year projection can be made.

- Future land uses were developed by reviewing historical and current development patterns and input from the City of Willow Park staff on new and proposed developments.

- B. Land use assumptions are based on the adopted zoning regulations and current market trends. The land use assumptions were reviewed by Jacob and Martin and the City.

2.6 10-Year Projections (Year 2029)

The projected 10-year population was developed using projection data from the Texas Water Development Board and the land use assumptions provided by the City. The projection is shown in Table 3 and was based on the comprehensive plan and the following criteria:

- Future land uses will occur as identified on the Future Land Use Plan, as shown in Appendix C.
- The City will be able to finance the necessary improvements to accommodate growth.
- Population densities will be similar to existing development.

Table 3: Projected Land Use and Population Data

Land Use	Within City Limits	
	Acreage	Population
Residential	5,092	7,954
Non-Residential	772	-

2.7 Land Use Summary

The following is a bulleted summary of the land use assumptions for this study:

- The 2019 estimated population of the City of Willow Park is 5,855.
- The current, existing commercial/industrial, acreage is approximately 322 acres.
- The 2029 population projection for the City of Willow Park is 7,984.
- The projected 2029 commercial/industrial acreage is approximately 772 acres.
- Buildout will occur beyond the year 2029.

Section 3

Stormwater Impact Fee Analysis



3.1 Stormwater Impact Fee Analysis

Stormwater impact fees are based on the capital costs a city incurs to provide the stormwater collection system to serve development in the next 10 years and the service units added during that same time period. The impact fee analysis for the stormwater system is based on existing and future capital improvements plans already budgeted for, as well as proposed capital improvement plans developed in this report.

3.2 Stormwater Demand

Unlike traditional utilities, stormwater is not a demand-based utility. The stormwater usage is estimated primarily on land use. Existing and future land use within the City was taken from the adopted Comprehensive Plan and Capital Improvements Plan.

3.3 Populations

Table 4 below shows the population projections for the City of Willow Park. One can assume that as population increases the amount of pervious area within the City will decrease, due to new development. The table shows that in the next 30 years the City is expected to experience a 4% increase in population per year.

Table 4: Population Projections

Year	Estimated Population
2010	3,779
2011	3,885
2012	4,003
2013	4,131
2014	4,305
2015	4,804
2016	5,083
2017	5,314
2018	5,416
2019	5,855
2020	6,323
2025	7,598
2030	7,954
2035	9,256
2040	10,771
2045	12,535
2050	14,587

This stormwater system population, as well as land use, was used to establish stormwater flows, which are used to size proposed system improvements.

3.4 Stormwater Capital Improvements

Proposed stormwater system projects were developed as part of the master drainage plan prepared in 2019. These projects, less the ones that have been completed, have been tabulated below.

A summary of the costs for each of the projects, required for the 10-year growth period used in the impact fee analysis for the stormwater system, are shown Table 5.

The 2019 percent utilization, used in Table 5, is relative to the pipe diameter and population. The 2029 percent utilization, used in Table 5, is relative to the 10-year population and future pipe diameter. The growth rate, for the 2019-2029 time period, is impact eligible through growth for drainage infrastructure. The cost per linear foot information that was provided in the cost allocation tables and was developed using current project pricing, for the North Central Texas area. In addition to the base cost information,



5% was added for mobilization, 20% was added for contingencies, and 25% was added for engineering, surveying and construction inspection fees.

The 2019 percent utilization is the portion of a project's capacity required to serve existing development and is not included in the impact fee analysis. The 2029 percent utilization is the portion of the project's capacity that will be required to serve the City of Willow Park in 2029. The 2019-2029 percent utilization is the portion of the project's capacity required to serve development from 2019 to 2029. The portion of a project's total cost that is used to serve development projected to occur from 2019 through 2029 is calculated as the total actual cost multiplied by the 2019 to 2029 percent utilization. Only this portion of the cost is used in the impact fee analysis. A map of the proposed 10-year stormwater projects is located Appendix D.



Table 5: Cost Allocation for Proposed Capital Improvements

CIP #	Location	Structure	Existing Size (in)	Length (ft)	Upsize to/Add	CIP (\$/LF)	Extended Piping Cost	Pavement (SY)	Pavement (\$/SY)	Extended Pavement Cost	Total Est. Cost	Percent Utilization			Impact Fee Eligible
												2019	2029	2019-2029	
1	White Settlement Rd	22.1	3-24"	30	8'x15' RCB	\$ 2,500.00	\$ 82,500.00	60.00	\$ 75.00	\$ 4,500.00	\$ 217,500.00	5%	98%	93%	\$ 202,275.00
2	Emsley Dr	U-16	24"	35	7'x7'	\$ 900.00	\$ 34,650.00	50.00	\$ 75.00	\$ 3,750.00	\$ 96,000.00	24%	73%	49%	\$ 47,040.00
3	El Chico Trl	6.42	2-48"	40	48"	\$ 350.00	\$ 15,400.00	30.00	\$ 75.00	\$ 2,250.00	\$ 44,125.00	28%	93%	65%	\$ 28,681.25
4	Surrey Ln	6.21	2-48"	40	36"	\$ 250.00	\$ 11,000.00	20.00	\$ 75.00	\$ 1,500.00	\$ 31,250.00	33%	93%	60%	\$ 18,750.00
5	Scenic Trl	5.34	2-55"	55	6'x6'	\$ 750.00	\$ 45,375.00	55.00	\$ 75.00	\$ 4,125.00	\$ 123,750.00	39%	93%	54%	\$ 66,825.00
6	Ranch House Rd	19.33	66"	55	36"	\$ 250.00	\$ 15,125.00	30.00	\$ 75.00	\$ 2,250.00	\$ 43,437.50	28%	53%	25%	\$ 10,859.38
7	Sam Bass & Pleasant Ridge	Culvert and Channel Improvements									\$ 275,000.00	33%	93%	60%	\$ 165,000.00
8	133 Sam Bass Rd	36" RCP and Channel Improvements									\$ 30,000.00	48%	58%	10%	\$ 3,000.00
9	I-20 and Chuckwagon Trl	Channel Improvements									\$ 130,000.00	28%	73%	45%	\$ 58,500.00
10	Valley Ct and El Chico Trl	Channel Improvements									\$ 500,000.00	24%	100%	76%	\$ 380,000.00
11	Castlemount	Culvert and Channel Improvements									\$ 100,000.00	28%	64%	36%	\$ 36,000.00
12	Vista Dr	Culvert and Channel Improvements									\$ 200,000.00	30%	63%	33%	\$ 66,000.00
13	Live Oak	Culvert and Channel Improvements									\$ 80,000.00	29%	64%	35%	\$ 28,000.00
14	Cedar Elm Dr	19.12	12"	25	24"	\$ 180.00	\$ 4,950.00	15.00	\$ 75.00	\$ 1,125.00	\$ 15,187.50	30%	63%	33%	\$ 5,011.88
15	Stagecoach Trl	6.56	12"	20	24"	\$ 180.00	\$ 3,960.00	10.00	\$ 75.00	\$ 750.00	\$ 11,775.00	27%	93%	66%	\$ 7,771.50
16	Chaparral Ct	6.100	12"	20	24"	\$ 180.00	\$ 3,960.00	10.00	\$ 75.00	\$ 750.00	\$ 11,775.00	29%	93%	64%	\$ 7,536.00
17	Willow Park Dr	6.5	12"	50	18"	\$ 150.00	\$ 8,250.00	25.00	\$ 75.00	\$ 1,875.00	\$ 25,312.50	38%	53%	15%	\$ 3,796.88
18	Appaloosa/Tumbleweed	5.81	12"	35	24"	\$ 180.00	\$ 6,930.00	16.00	\$ 75.00	\$ 1,200.00	\$ 20,325.00	30%	93%	63%	\$ 12,804.75
19	Live Oak Ct	5.64	12"	35	30"	\$ 200.00	\$ 7,700.00	20.00	\$ 75.00	\$ 1,500.00	\$ 23,000.00	24%	54%	30%	\$ 6,900.00
20	Cook Rd	21.2	12"	30	30"	\$ 200.00	\$ 6,600.00	20.00	\$ 75.00	\$ 1,500.00	\$ 20,250.00	26%	58%	32%	\$ 6,480.00
21	Cook Rd	21.3	18"	30	30"	\$ 200.00	\$ 6,600.00	20.00	\$ 75.00	\$ 1,500.00	\$ 20,250.00	28%	58%	30%	\$ 6,075.00
22	Ranch House/Canyon Ct	5.3	12"	40	30"	\$ 200.00	\$ 8,800.00	25.00	\$ 75.00	\$ 1,875.00	\$ 26,687.50	25%	93%	68%	\$ 18,147.50
23	Cook Rd	21.12	15"	35	18"	\$ 150.00	\$ 5,775.00	16.00	\$ 75.00	\$ 1,200.00	\$ 17,437.50	29%	50%	21%	\$ 3,661.88
24	Crown Rd	19.19	15"	35	18"	\$ 150.00	\$ 5,775.00	16.00	\$ 75.00	\$ 1,200.00	\$ 17,437.50	28%	83%	55%	\$ 9,590.63
25	Post Oak Ct	19.27	15"	20	24"	\$ 180.00	\$ 3,960.00	10.00	\$ 75.00	\$ 750.00	\$ 11,775.00	29%	84%	55%	\$ 6,476.25
26	Fox Hunt Trl	6.108	15"	45	24"	\$ 180.00	\$ 8,910.00	20.00	\$ 75.00	\$ 1,500.00	\$ 26,025.00	27%	93%	66%	\$ 17,176.50
27	Live Oak Rd	20.56	15"	40	24"	\$ 180.00	\$ 7,920.00	20.00	\$ 75.00	\$ 1,500.00	\$ 23,550.00	25%	58%	33%	\$ 7,771.50
28	Queensway Rd	10.40	15"	40	24"	\$ 180.00	\$ 7,920.00	20.00	\$ 75.00	\$ 1,500.00	\$ 23,550.00	9%	33%	24%	\$ 5,652.00
29	Royal View Dr	10.36	15"	40	36"	\$ 250.00	\$ 11,000.00	25.00	\$ 75.00	\$ 1,875.00	\$ 32,187.50	10%	34%	24%	\$ 7,725.00
30	Clearfork Cir	12.114	15"	25	24"	\$ 180.00	\$ 4,950.00	12.00	\$ 75.00	\$ 900.00	\$ 14,625.00	30%	54%	24%	\$ 3,510.00
31	Squaw Creek Rd	17.39	15"	45	24"	\$ 180.00	\$ 8,910.00	20.00	\$ 75.00	\$ 1,500.00	\$ 26,025.00	20%	73%	53%	\$ 13,793.25
32	Queensway Rd	16.21	15"	40	24"	\$ 180.00	\$ 7,920.00	20.00	\$ 75.00	\$ 1,500.00	\$ 23,550.00	60%	72%	12%	\$ 2,826.00
33	Regent Row	15.110	15"	40	36"	\$ 250.00	\$ 11,000.00	25.00	\$ 75.00	\$ 1,875.00	\$ 32,187.50	50%	68%	18%	\$ 5,793.75
34	Queensway Rd	10.41	15"	40	24"	\$ 180.00	\$ 7,920.00	18.00	\$ 75.00	\$ 1,350.00	\$ 23,175.00	10%	48%	38%	\$ 8,806.50
35	Kings Gate/Royal View	10.37	15"	40	42"	\$ 300.00	\$ 13,200.00	35.00	\$ 75.00	\$ 2,625.00	\$ 39,562.50	9%	49%	40%	\$ 15,825.00
36	Queensway Rd	10.49	15"	40	24"	\$ 180.00	\$ 7,920.00	20.00	\$ 75.00	\$ 1,500.00	\$ 23,550.00	11%	48%	37%	\$ 8,713.50

CIP #	Location	Structure	Existing Size (in)	Length (ft)	Upsize to/Add	CIP (\$/LF)	Extended Piping Cost	Pavement (SY)	Pavement (\$/SY)	Extended Pavement Cost	Total Est. Cost	2019	2029	2019-2029	Impact Fee Eligible
37	Vista Dr	21.30	18"	35	24"	\$ 180.00	\$ 6,930.00	20.00	\$ 75.00	\$ 1,500.00	\$ 21,075.00	28%	73%	45%	\$ 9,483.75
38	Vista Dr	20.29	18"	40	24"	\$ 180.00	\$ 7,920.00	20.00	\$ 75.00	\$ 1,500.00	\$ 23,550.00	29%	74%	45%	\$ 10,597.50
39	Nichols Rd	20.7	18"	30	30"	\$ 200.00	\$ 6,600.00	18.00	\$ 75.00	\$ 1,350.00	\$ 19,875.00	30%	73%	43%	\$ 8,546.25
40	Cook Rd	20.44	18"	35	24"	\$ 180.00	\$ 6,930.00	18.00	\$ 75.00	\$ 1,350.00	\$ 20,700.00	30%	74%	44%	\$ 9,108.00
41	Buena Vista Dr	20.60	18"	40	24"	\$ 180.00	\$ 7,920.00	20.00	\$ 75.00	\$ 1,500.00	\$ 23,550.00	29%	73%	44%	\$ 10,362.00
42	Squaw Creek Rd	13.21	18"	35	36"	\$ 250.00	\$ 9,625.00	22.00	\$ 75.00	\$ 1,650.00	\$ 28,187.50	27%	53%	26%	\$ 7,328.75
43	Jeri Ridge	6.14	18"	45	24"	\$ 180.00	\$ 8,910.00	20.00	\$ 75.00	\$ 1,500.00	\$ 26,025.00	28%	93%	65%	\$ 16,916.25
44	Russell Rd	12.19	18"	35	24"	\$ 180.00	\$ 6,930.00	20.00	\$ 75.00	\$ 1,500.00	\$ 21,075.00	36%	83%	47%	\$ 9,905.25
45	Cook Ct	19.35	18"	25	36"	\$ 250.00	\$ 6,875.00	15.00	\$ 75.00	\$ 1,125.00	\$ 20,000.00	30%	73%	43%	\$ 8,600.00
46	Kings Gate Rd	10.22	18"	40	24"	\$ 180.00	\$ 7,920.00	20.00	\$ 75.00	\$ 1,500.00	\$ 23,550.00	39%	53%	14%	\$ 3,297.00
47	Peach Dr	U-28	18"	35	24"	\$ 180.00	\$ 6,930.00	21.00	\$ 75.00	\$ 1,575.00	\$ 21,262.50	32%	78%	46%	\$ 9,780.75
48	Misty Meadow Dr	12.140	2-18"	35	24"	\$ 180.00	\$ 6,930.00	21.00	\$ 75.00	\$ 1,575.00	\$ 21,262.50	35%	79%	44%	\$ 9,355.50
49	Bluff View Dr	15.5	18"	35	24"	\$ 180.00	\$ 6,930.00	18.00	\$ 75.00	\$ 1,350.00	\$ 20,700.00	33%	84%	51%	\$ 10,557.00
50	Willow Crest Dr	14.45	18"	35	24"	\$ 180.00	\$ 6,930.00	20.00	\$ 75.00	\$ 1,500.00	\$ 21,075.00	28%	83%	55%	\$ 11,591.25
51	Fairway Dr	14.16	18"	35	24"	\$ 180.00	\$ 6,930.00	20.00	\$ 75.00	\$ 1,500.00	\$ 21,075.00	14%	90%	76%	\$ 16,017.00
52	Stagecoach/Willow Park Dr	6.64	18"	35	30"	\$ 200.00	\$ 7,700.00	20.00	\$ 75.00	\$ 1,500.00	\$ 23,000.00	24%	94%	70%	\$ 16,100.00
53	Ranch House Rd	19.2	18"	25	24"	\$ 180.00	\$ 4,950.00	15.00	\$ 75.00	\$ 1,125.00	\$ 15,187.50	5%	83%	78%	\$ 11,846.25
54	Crown Rd	21.25	24"	35	36"	\$ 250.00	\$ 9,625.00	25.00	\$ 75.00	\$ 1,875.00	\$ 28,750.00	5%	84%	79%	\$ 22,712.50
55	Vista Dr	21.59	24"	35	42"	\$ 300.00	\$ 11,550.00	25.00	\$ 75.00	\$ 1,875.00	\$ 33,562.50	24%	74%	50%	\$ 16,781.25
56	Stagecoach/Chaparral Ct	6.69	24"	15	36"	\$ 250.00	\$ 4,125.00	12.00	\$ 75.00	\$ 900.00	\$ 12,562.50	20%	88%	68%	\$ 8,542.50
57	Surrey Ct	5.106	24"	45	36"	\$ 250.00	\$ 12,375.00	25.00	\$ 75.00	\$ 1,875.00	\$ 35,625.00	25%	68%	43%	\$ 15,318.75
58	Stagecoach/Pitchfork Trl	7.28	24"	45	36"	\$ 250.00	\$ 12,375.00	25.00	\$ 75.00	\$ 1,875.00	\$ 35,625.00	37%	73%	36%	\$ 12,825.00
59	Ranch House/Bankhead	4.10	2-24"	55	42"	\$ 300.00	\$ 18,150.00	40.00	\$ 75.00	\$ 3,000.00	\$ 52,875.00	25%	100%	75%	\$ 39,656.25
60	White Settlement Rd	22.7	24"	35	36"	\$ 250.00	\$ 9,625.00	22.00	\$ 75.00	\$ 1,650.00	\$ 28,187.50	5%	98%	93%	\$ 26,214.38
61	Pitchfork Trl	7.8	24"	30	36"	\$ 250.00	\$ 8,250.00	18.00	\$ 75.00	\$ 1,350.00	\$ 24,000.00	40%	74%	34%	\$ 8,160.00
62	Crown Ln	11.13	24"	20	42"	\$ 300.00	\$ 6,600.00	15.00	\$ 75.00	\$ 1,125.00	\$ 19,312.50	15%	73%	58%	\$ 11,201.25
63	Willow Crest Dr	14.59	24"	40	30"	\$ 200.00	\$ 8,800.00	25.00	\$ 75.00	\$ 1,875.00	\$ 26,687.50	29%	88%	59%	\$ 15,745.63
64	Live Oak/Crown Rd	20.56	30"	60	48"	\$ 350.00	\$ 23,100.00	50.00	\$ 75.00	\$ 3,750.00	\$ 67,125.00	24%	84%	60%	\$ 40,275.00
65	Fairway Dr	14.93	30"	35	36"	\$ 250.00	\$ 9,625.00	20.00	\$ 75.00	\$ 1,500.00	\$ 27,812.50	35%	54%	19%	\$ 5,284.38
66	Saddle Trl	9.6	30"	45	42"	\$ 300.00	\$ 14,850.00	35.00	\$ 75.00	\$ 2,625.00	\$ 43,687.50	39%	83%	44%	\$ 19,222.50
67	Squaw Creek Rd	U-9	36"	35	42"	\$ 300.00	\$ 11,550.00	32.00	\$ 75.00	\$ 2,400.00	\$ 34,875.00	15%	63%	48%	\$ 16,740.00
68	Squaw Creek/Royal View Dr	13.18	36"	45	42"	\$ 300.00	\$ 14,850.00	35.00	\$ 75.00	\$ 2,625.00	\$ 43,687.50	24%	58%	34%	\$ 14,853.75
69	Squaw Creek Rd	U-11	None	35	30"	\$ 200.00	\$ 7,700.00	22.00	\$ 75.00	\$ 1,650.00	\$ 23,375.00	30%	50%	20%	\$ 4,675.00
70	Stormwater Fee Studies										\$ 40,000.00		100%	100%	\$ 40,000.00

TOTAL \$ 3,329,162.50 \$ 1,800,376.50

3.5 Service Units

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

To find the number of stormwater service units, the existing land use is multiplied by a coefficient to approximate the impervious area. For this study, the Rational Method runoff coefficient was used. For residential properties, a value of 0.5 was used. For commercial/industrial properties, a value of 0.8 was used. The coefficients are assumed to remain the same during the study period. For the purposes of the stormwater impact fee analysis, a stormwater service account is defined as 1,000 square feet of impervious cover. After the impervious area is calculated, then the number of square feet, divided by 1,000 equals the approximate number of service units.

Out of the 50 single family homes sampled in this study, the average impervious area was 6,718 square feet. Out of the 50 commercial properties sampled in this study, the average impervious area was 62,274 square feet. Out of the 10 institutional properties sampled in this study, the average impervious area was 138,354 square feet. The data compiled from the sampled properties was used to statistically determine the projected revenue. A detailed breakdown of the impervious area data is included in Appendix D. The following table shows the projected number of service units during the 10 year period.

Table 6: Projected Stormwater Service Units for 2019-2029

Land Use Classificaton	Existing Area (2019) ac	Existing Runoff Coefficient	2019 Impervious Area sq. ft.	Future Runoff Coefficient	2029 Impervious Area sq. ft.	2019-2029 Difference sq. ft.	# of Service Units
Residential	2,243	0.5	48,852,540	0.5	69,536,280	20,683,740	20,684
Commercial	322	0.8	11,221,056	0.8	16,448,256	5,227,200	5,227

TOTAL 25,911

As mentioned, for stormwater projections, the total account values are based on change in land use from 2019 to 2029, with a unit size of 1,000 square feet.



Section 4

Conclusion and Recommendations



4.1 Impact Fee Calculations

The maximum impact fee that can be levied is equal to the projected capital cost required to serve 10-year development divided by the projected 10-year growth in stormwater service accounts.

The total projected costs include the projected capital improvement costs to serve the 10-year development, the projected finance cost for the capital improvements, and the consultant cost for preparing and updating the capital improvements plan.

The costs for stormwater include the following:

- Total Stormwater Capital Improvement Costs (all costs): \$3,329,000
- Total Eligible Stormwater Costs (new development eligible): \$1,800,376
- Total Stormwater Impact Fee Credit (50%): \$900,188

The total eligible cost associated with the existing and proposed stormwater system improvements to meet projected growth over the next ten years is \$1,800,376. The increase in the number of service units due to growth over the next ten years is projected as 25,911 stormwater units.

$$\begin{aligned}
 \text{Maximum Stormwater Impact Fee With Credit} &= (\text{Total Eligible Costs} - \text{Credit}) / (\text{10-Year Growth in Service Units}) \\
 &= (\$1,800,376 - \$900,188) / (25,911 \text{ Stormwater Service Units}) \\
 &= \mathbf{\$34.74 \text{ per Stormwater Service Unit (1,000 sq. ft. impervious area)}}
 \end{aligned}$$

\$34.74 is the recommended base Stormwater Impact Fee for the City of Willow Park.

Appendix A

Texas Municipal Code Governing Impact Fees



1508 Santa Fe, Suite 203 – Weatherford, Texas 76086
www.jacobmartin.com – (817)594-9880



516 Ranch House Rd – Willow Park, Texas 76087
www.willowpark.org – (817)441-7108

LOCAL GOVERNMENT CODE

TITLE 12. PLANNING AND DEVELOPMENT

SUBTITLE C. PLANNING AND DEVELOPMENT PROVISIONS APPLYING TO MORE
THAN ONE TYPE OF LOCAL GOVERNMENT

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

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 1989, 71st Leg., ch. 566, Sec. 1(e), eff. Aug. 28, 1989; Acts 2001, 77th Leg., ch. 345, Sec. 1, eff. Sept. 1, 2001.

SUBCHAPTER B. AUTHORIZATION OF IMPACT FEE

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989.

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

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 2001, 77th Leg., ch. 345, Sec. 2, eff. Sept. 1, 2001.

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 2001, 77th Leg., ch. 345, Sec. 3, eff. Sept. 1, 2001.

Sec. 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 or 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, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 1997, 75th Leg., ch. 980, Sec. 52, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 345, Sec. 4, eff. Sept. 1, 2001.

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 395.022. AUTHORITY OF POLITICAL SUBDIVISION TO PAY FEES. (a) Political subdivisions and other governmental entities may pay impact fees imposed under this chapter.

(b) A school district is not required to pay impact fees imposed under this chapter unless the board of trustees of the district consents to the payment of the fees by entering a contract with the political subdivision that imposes the fees. The contract may contain terms the board of trustees considers advisable to provide for the payment of the fees.

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

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 250 (S.B. 883), Sec. 1, eff. May 25, 2007.

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 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, Sec. 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, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 1997, 75th Leg., ch. 1396, Sec. 37, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 62, Sec. 7.82, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 345, Sec. 9, eff. Sept. 1, 2001.

SUBCHAPTER C. PROCEDURES FOR ADOPTION OF IMPACT FEE

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 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, Sec. 5, eff. Sept. 1, 2001.

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 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, Sec. 1(b), eff. Aug. 28, 1989.

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 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, Sec. 82(a), eff. Aug. 28,

1989. Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 2001, 77th Leg., ch. 345, Sec. 5, eff. Sept. 1, 2001.

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 2001, 77th Leg., ch. 345, Sec. 6, eff. Sept. 1, 2001.

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 2001, 77th Leg., ch. 345, Sec. 7, eff. Sept. 1, 2001.

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 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, Sec. 1(d), eff. Aug. 28, 1989.

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989.

SUBCHAPTER D. OTHER PROVISIONS

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 2001, 77th Leg., ch. 441, Sec. 2, eff. Sept. 1, 2001.

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989.

Sec. 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, Sec. 82(a), eff. Aug. 28, 1989. Amended by Acts 2001, 77th Leg., ch. 669, Sec. 107, eff.

Sept. 1, 2001.

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

Sec. 395.081. FEES FOR ADJOINING LANDOWNERS IN CERTAIN MUNICIPALITIES. (a) This section applies only to a municipality with a population of 115,000 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, Sec. 1, eff. June 19, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1043 (H.B. 3111), Sec. 5, eff. June 17, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 1163 (H.B. 2702), Sec. 100, eff. September 1, 2011.

Appendix B

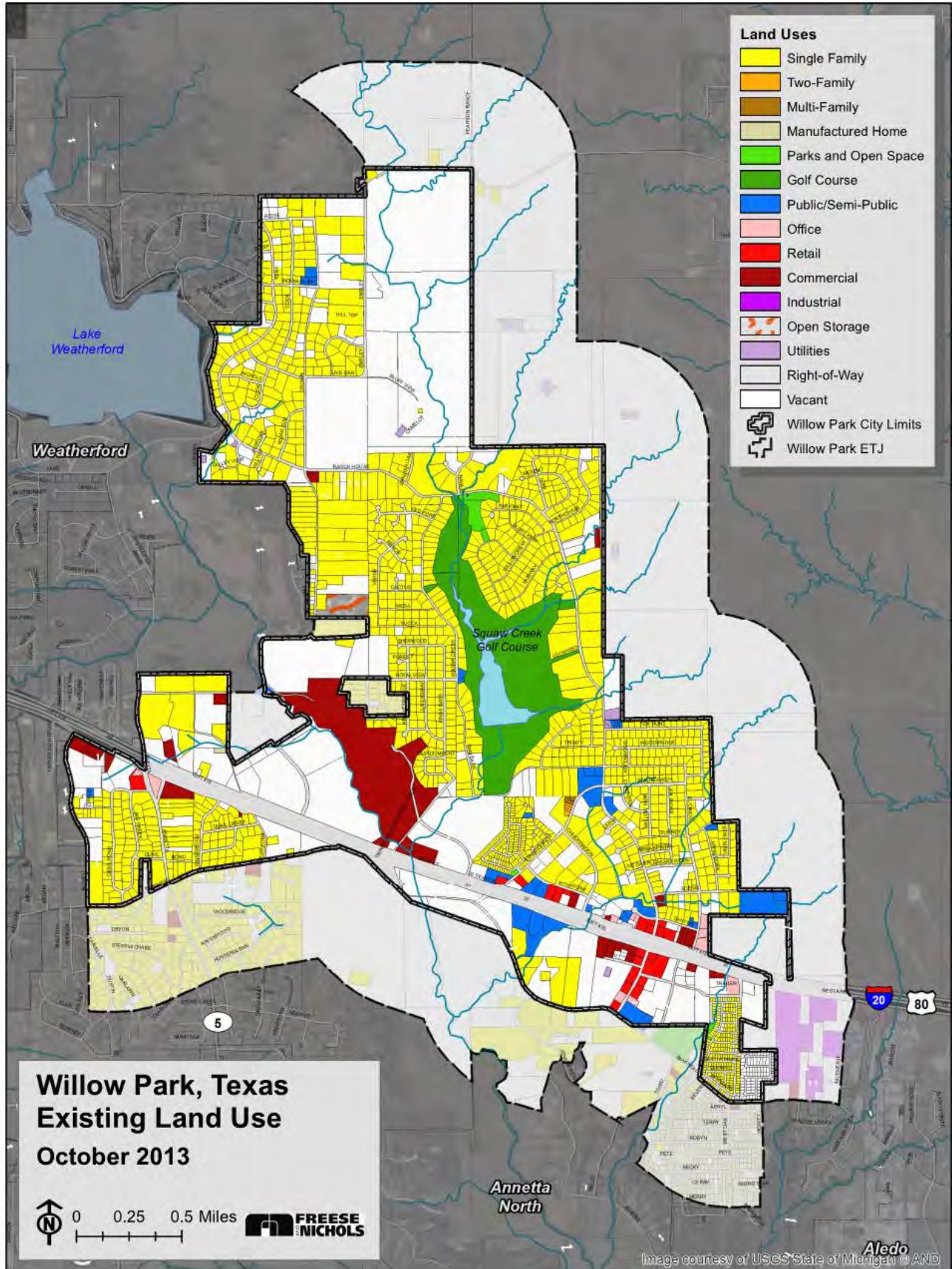
Existing Land Use Plan



1508 Santa Fe, Suite 203 – Weatherford, Texas 76086
www.jacobmartin.com – (817)594-9880



516 Ranch House Rd – Willow Park, Texas 76087
www.willowpark.org – (817)441-7108



Appendix C

Future Land Use Plan

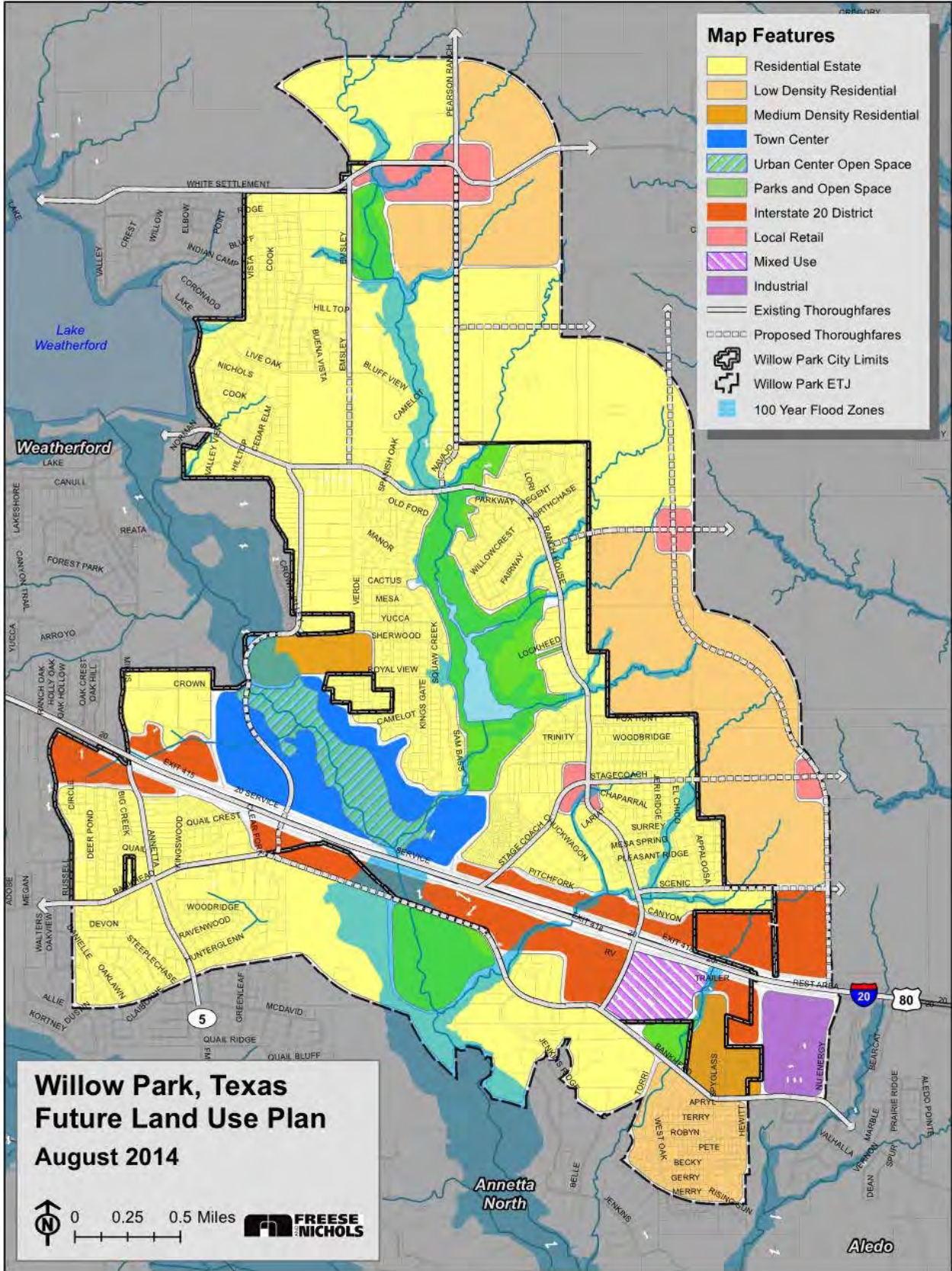


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516 Ranch House Rd – Willow Park, Texas 76087
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Future Land Use Map



Appendix D

Impervious Area Data



Average Single Family Impervious Areas

No.	Property ID	Address	Estimated Impervious Area (sq. ft.)	Estimated Lot Size (sq. ft.)	Percent Impervious
1	R000026849	3016 Mesa Rd	6,749	39,040	17.29%
2	R000033571	302 Willow Crest Dr	6,652	44,830	14.84%
3	R000084808	41 Crown Rd	5,285	18,949	27.89%
4	R000013962	117 Cedar Elm Rd	10,521	66,640	15.79%
5	R000002910	324 Buena Vista Dr	5,531	58,806	9.41%
6	R000079111	1230 Woodbridge Ct	6,405	31,799	20.14%
7	R000084956	226 Carriage Dr	3,265	7,187	45.43%
8	R000007436	202 Scenic Trl	10,164	46,609	21.81%
9	R000084052	108 Sawgrass Dr	3,501	6,435	54.41%
10	R000033817	3329 Royal View Dr	9,827	45,291	21.70%
11	R000023241	104 Old Ford Rd	6,254	43,865	14.26%
12	R000026901	217 Squaw Creek Rd	6,872	57,000	12.06%
13	R000036677	1700 Ranch House Rd	12,508	43,560	28.71%
14	R000019144	106 Regent Row	5,589	40,075	13.95%
15	R000026784	109 Cherokee Ct	6,710	72,746	9.22%
16	R000019105	131 Lori Dr	5,905	40,948	14.42%
17	R000033594	424 Deer Pond Dr	5,893	46,333	12.72%
18	R000033668	4804 Misty Meadow Dr	10,996	38,861	28.30%
19	R000029229	216 Sam Bass Rd	4,191	54,293	7.72%
20	R000023236	101 Crested Butte Ct	8,572	43,821	19.56%
21	R000036695	1717 Ranch House Rd	13,696	143,748	9.53%
22	R000002903	340 Buena Vista Dr	5,266	53,143	9.91%
23	R000014128	457 Cook Rd	8,148	48,617	16.76%
24	R000013980	3611 Nichols Rd	10,498	56,459	18.59%
25	R000013918	3551 Ranch House Rd	8,842	48,510	18.23%
26	R000047767	401 Emsley Dr	22,147	347,173	6.38%
27	R000103068	199 Melbourne Dr	3,722	8,847	42.07%
28	R000033782	812 Kingsgate Rd	5,305	35,602	14.90%
29	R000007485	325 Tumbleweed Trl	8,531	43,560	19.58%
30	R000007468	313 Scenic Trl	9,049	43,996	20.57%
31	R000103104	174 Breeders Dr	2,903	9,126	31.81%
32	R000029251	124 Trinity Dr	6,843	44,744	15.29%
33	R000079123	1249 Sam Bass Rd	4,494	30,013	14.97%
34	R000033498	301 Fairway Dr	4,853	38,366	12.65%
35	R000033510	325 Fairway Dr	3,528	30,650	11.51%
36	R000029249	909 Trinity Ct	4,560	44,460	10.26%
37	R000033578	105 Parkway Dr	8,270	43,560	18.99%
38	R000019088	118 Northchase Dr	8,381	43,560	19.24%
39	R000084040	116 Firestone Dr	3,021	6,000	50.35%
40	R000084006	171 Winged Foot Dr	2,553	9,300	27.45%
41	R000083949	117 Muirfield Dr	3,498	6,000	58.30%
42	R000007389	108 Mesa Springs Rd	3,542	18,469	19.18%
43	R000007469	104 Buffalo Ct	6,407	96,268	6.66%
44	R000084475	1218 Saddle Trl	3,920	14,680	26.70%
45	R000084957	224 Carriage Dr	3,437	7,187	47.82%
46	R000033820	3333 Royal View Dr	4,290	45,126	9.51%
47	R000002898	3488 Live Oak Rd	9,886	43,996	22.47%
48	R000014107	432 Cook Rd	5,486	53,240	10.30%
49	R000023302	1131 E Stagecoach Trl	5,058	32,042	15.79%
50	R000007491	424 El Chico Trl	4,386	41,556	10.55%
Averages			6,718	46,702	20.52%
Totals			335,910	2,335,086	

Notes: Values found by measuring using Google Earth and Parker CAD

Average Multi-Family Impervious Areas

No.	Name of Complex	Address	Estimated GBSF Area (sq. ft.)	Estimated Impervious Area (sq. ft.)	Estimated Lot Size (sq. ft.)	Percent Impervious
1	Olympus Apartments	180 Crown Pointe Blvd	130000	570,000	674,559	84.50%
2	Village at Crown Pointe	180 Crown Pointe Blvd	52290	148,000	196,225	75.42%
3	Village at Crown Pointe	180 Crown Pointe Blvd	7796	31,000	61,397	50.49%
Averages				249,667	310,727	70.14%
Totals				749,000	932,181	
Notes: Values found by measuring using Google Earth						

Average Commercial Impervious Areas

No.	Name of Complex	Property ID	Address	Estimated GBSF Area (sq. ft.)	Estimated Impervious Area (sq. ft.)	Estimated Lot Size (sq. ft.)	Percent Impervious	
1	Sonic	R000007421	102 Ranch House Rd	4917	25,448	26,746	95.15%	
2	Whataburger	R000007375	4915 E I-20 Service Rd N	3744	36,975	94,356	39.19%	
3	North Texas Retina Consultants	R000007322	101 Chuckwagon Trl	11923	33,980	69,740	48.72%	
4	Trinity River Dental	R000007320	4969 E I-20 Service Rd N	4122	31,425	51,836	60.62%	
5	Texas RV Outlet	R000007560	5050 E I-20 Service Rd S	5142	244,500	255,118	95.84%	
6	Trinity Oaks Center	R000007428	136 El Chico Trail	10208	64,797	81,022	79.97%	
7	Texas Health	R000095792	101 Crown Pointe Blvd	40500	240,144	348,480	68.91%	
8	Fuzzy's Tacos	R000099895	149 Willow Bend Dr	10000	38,580	46,174	83.55%	
9	Lazy J Ranch Wear	R000007553	104 S Ranch House Rd	5367	37,913	40,467	93.69%	
10	Ace Hardware	R000007315	4951 E I-20 Service Rd N	13871	34,396	125,670	27.37%	
11	Brookshires	R000034063	5118 E I-20 Service Rd S	51687	190,427	191,992	99.18%	
12	Aledo Endodontics	R000007554	108 S Ranch House Rd	21036	71,467	85,416	83.67%	
13	Drake's Yoke, PCBC, etc	R000101066	220 Shops Blvd	19543	108,057	171,378	63.05%	
14	Fish Creek	R000070847	4899 E I-20 Service Rd N	5867	26,077	49,241	52.96%	
15	McDonald's	R000007547	5090 E I-20 Service Rd S	3435	36,002	43,560	82.65%	
16	Gemini Tech Svcs Complex	R000097124-6	5019 E I-20 Service Rd N	6031	25,406	41,178	61.70%	
17	Pizza Hut, BBVA Bank, etc	R000007419	5135 E I-20 Service Rd N	19253	70,513	114,790	61.43%	
18	Shell	R000007414	5111 E I-20 Service Rd N	7313	45,805	52,922	86.55%	
19	Taco Casa/Tiger Mart	R000007373	101 Ranch House Rd	8128	38,088	43,560	87.44%	
20	TG Mercer Consulting	R000007431	120 El Chico Trl	20138	54,785	63,797	85.87%	
21	Willow Springs Shopping Cntr	R000033643	4098 E I-20 Service Rd S	9100	66,841	137,127	48.74%	
22	Jones Insurance Group	R000033646	4050 E I-20 Service Rd S	2170	15,683	28,706	54.63%	
23	First Financial Bank	R000033647	4100 E I-20 Service Rd S	4252	38,044	88,862	42.81%	
24	Davy Vestal Memorials	R000033648	4110 E I-20 Service Rd S	4876	57,559	165,964	34.68%	
25	Rockin N' Storage	R000086534	7010 E Bankhead Hwy	24300	65,864	123,580	53.30%	
26	Bellstone Masonry Supply	R000083009	4801 E I-20 Service Rd N	7600	244,317	325,350	75.09%	
27	EPCCC	R000076643	100 Chuckwagon Trail	1920	10,716	79,715	13.44%	
28	Knights Inn	R000007548	5080 E I-20 Service Rd S	16295	68,687	80,739	85.07%	
29	Reunion Title	R000090375	5060 E I-20 Service Rd S	4866	12,598	23,939	52.63%	
30	Railhead Smokehouse	R000090291	120 S Ranch House Rd	8136	50,473	56,628	89.13%	
31	Allstate	R000007556	126 S Ranch House Rd	11023	55,371	61,812	89.58%	
32	Dollar General	R000007558	130 S Ranch House Rd	8200	29,850	44,039	67.78%	
33	Tri Cities Urgent Care	R000075926	123 S Ranch House Rd	5101	26,288	43,647	60.23%	
34	Milanos Pasta Strip Mall	R000075068	119 S Ranch House Rd	18270	62,224	70,306	88.50%	
35	Dominos Pizza Strip Mall	R000007220	109 S Ranch House Rd	11400	40,706	43,560	93.45%	
36	Mr C's Chevron	R000007546	5100 E I-20 Service Rd S	3494	33,862	36,155	93.66%	
37	Starbucks	R000099893	101 Willow Bend Dr	2128	12,000	33,280	36.06%	
38	Chicken Express	R000099894	141 Willow Bend Dr	2826	30,186	42,253	71.44%	
39	Aledo Animal Hospital	R000007541	5190 E I-20 Service Rd S	9844	39,550	46,174	85.65%	
40	Rental One	R000103272	5600 E I-20 Service Rd S	6460	107,414	141,483	75.92%	
41	Lone Star Medical Plaza	R000094972	5700 E I-20 Service Rd S	20858	86,177	135,829	63.45%	
42	Medical Associats of Willow Park	R000098085	260 Willow Bend Dr	8326	50,075	74,923	66.84%	
43	Extreme Exteriors	R000103155	5720 E I-20 Service Rd S	4390	45,107	87,120	51.78%	
44	Willow Park Place	R000007418	5129 E I-20 Service Rd N	22912	98,772	131,421	75.16%	
45	Century 21	R000007432	5177 E I-20 Service Rd N	5985	25,820	41,382	62.39%	
46	415 RV Sales	R000048723	4026 E I-20 Service Rd S	2588	63,288	74,444	85.01%	
47	Plains Capital Bank	R000101067		7001	40,072	75,359	53.17%	
48	Crown Pointe Dentistry	R000101057	220 Shops Blvd	4083	12,000	49,658	24.17%	
49	Willow Park Rehabilitation	R000096860		56704	145,785	236,518	61.64%	
50	Willow Park Professional Plaza	R000098246	Crown Pointe Blvd	6072	23,572	34,412	68.50%	
Averages						62,274	92,237	67.63%
Totals						3,113,686	4,611,828	
Notes: Values found by measuring using Google Earth and Parker CAD								

Average Institutional Impervious Areas

No.	Name of Complex	Property ID	Address	Type of Property	Estimated GBSF Area (sq. ft.)	Estimated Impervious Area (sq. ft.)	Estimated Lot Size (sq. ft.)	Percent Impervious
1	McCall Elementary	R000094165	400 Scenic Trl	Educational	85,017	227,803	659,237	34.56%
2	St. Francis Episcopal Church	R000007371	117 Ranch House Rd	Religious	16,509	53,387	136,778	39.03%
3	Trinity Christian Academy	R000096818	4954 E I-20 Service Rd S	Educational	41,878	81,386	191,316	42.54%
4	Trinity Bible Church	R000096817	4936 E I-20 Service Rd S	Religious	49,719	231,905	418,089	55.47%
5	Christ Chapel Bible Church	R000067035	3910 E I-20 Service Rd S	Religious	68,409	375,499	959,583	39.13%
6	Oakridge Church of Christ	R000041146	4895 I-20 Service Rd N	Religious	17,039	79,492	131,203	60.59%
7	Willow Park Church of Christ	R000093785	721 Ranch House Rd	Religious	7,493	27,879	43,560	64.00%
8	First Baptist Church	R000036688	601 Ranch House Rd	Religious	22,989	82,492	216,929	38.03%
9	Willow Park Baptist Church	R000033581	129 S Ranch House Rd	Religious	38,721	179,642	247,682	72.53%
10	Barrel of Monkeys Christian Academy	R000007321	4973 E I-20 Service Rd N	Educational	11,152	44,057	74,487	59.15%
Averages						138,354	307,886	50.50%
Totals						1,383,542	3,078,864	
Notes: Values found by measuring using Google Earth and Parker CAD								

Appendix E

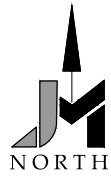
Proposed Capital Improvements



1508 Santa Fe, Suite 203 – Weatherford, Texas 76086
www.jacobmartin.com – (817)594-9880



516 Ranch House Rd – Willow Park, Texas 76087
www.willowpark.org – (817)441-7108



SCALE: 1"=200'

JERI RIDGE RD

EL CHICO TRAIL

REPLACE CULVERT

PLEASANT RIDGE LN

EXISTING CHANNEL

PROPOSED RIP RAP

CITY OF WILLOW PARK
Parker County, Texas

Stormwater Fee Studies
1-5 Year Improvements Priority #1a

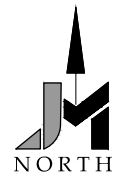


**JACOB
MARTIN**

3465 CURRY LANE
ABILENE, TX 79606
325-695-1070

1508 SANTA FE DR, STE 203
WEATHERFORD, TX 76086
817-594-9880

FIRM# F-2448



SCALE: 1"=200'



CITY OF WILLOW PARK
Parker County, Texas

Stormwater Fee Studies
1-5 Year Improvements Priority #1b

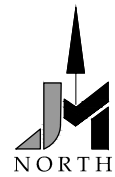


**JACOB
MARTIN**

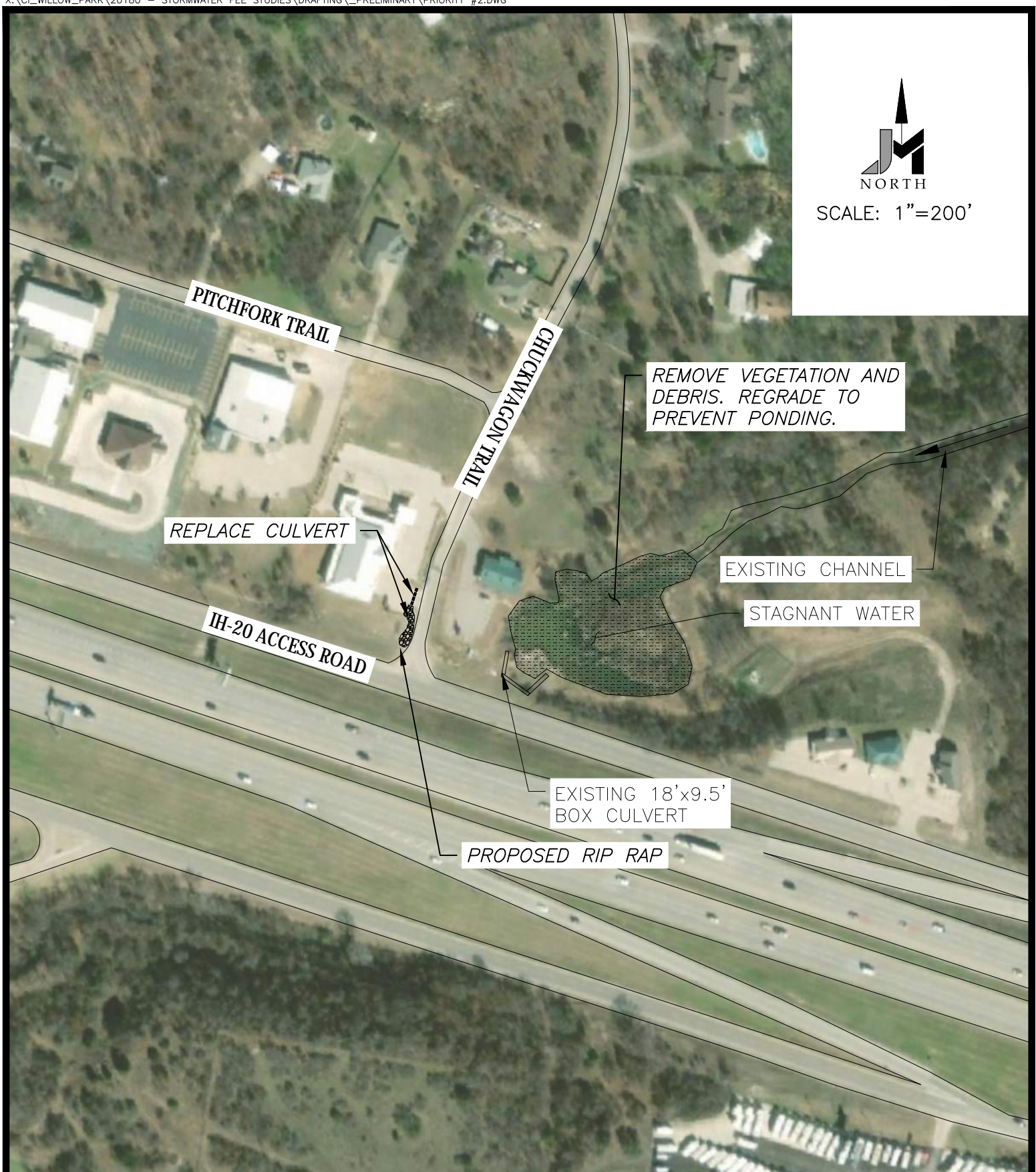
3465 CURRY LANE
ABILENE, TX 79606
325-695-1070

1508 SANTA FE DR, STE 203
WEATHERFORD, TX 76086
817-594-9880

FIRM# F-2448



SCALE: 1"=200'



CITY OF WILLOW PARK

Parker County, Texas

Stormwater Fee Studies

1-5 Year Improvements Priority #2



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817-594-9880

FIRM# F-2448



CITY OF WILLOW PARK

Parker County, Texas

Stormwater Fee Studies

1-5 Year Improvements Priority #3

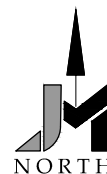


**JACOB
MARTIN**

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ABILENE, TX 79606
325-695-1070

1508 SANTA FE DR, STE 203
WEATHERFORD, TX 76086
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SCALE: 1"=100'



CITY OF WILLOW PARK

Parker County, Texas

Stormwater Fee Studies

1-5 Year Improvements Priority #4



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325-695-1070

1508 SANTA FE DR, STE 203
WEATHERFORD, TX 76086
817-594-9880

FIRM# F-2448



SCALE: 1"=100'

REGRADE AREA TO PROMOTE IMPROVED DRAINAGE AND ADD STORM DRAIN

KINGS GATE RD

CASTLEMOUNT

CASTLEMOUNT

CITY OF WILLOW PARK
Parker County, Texas

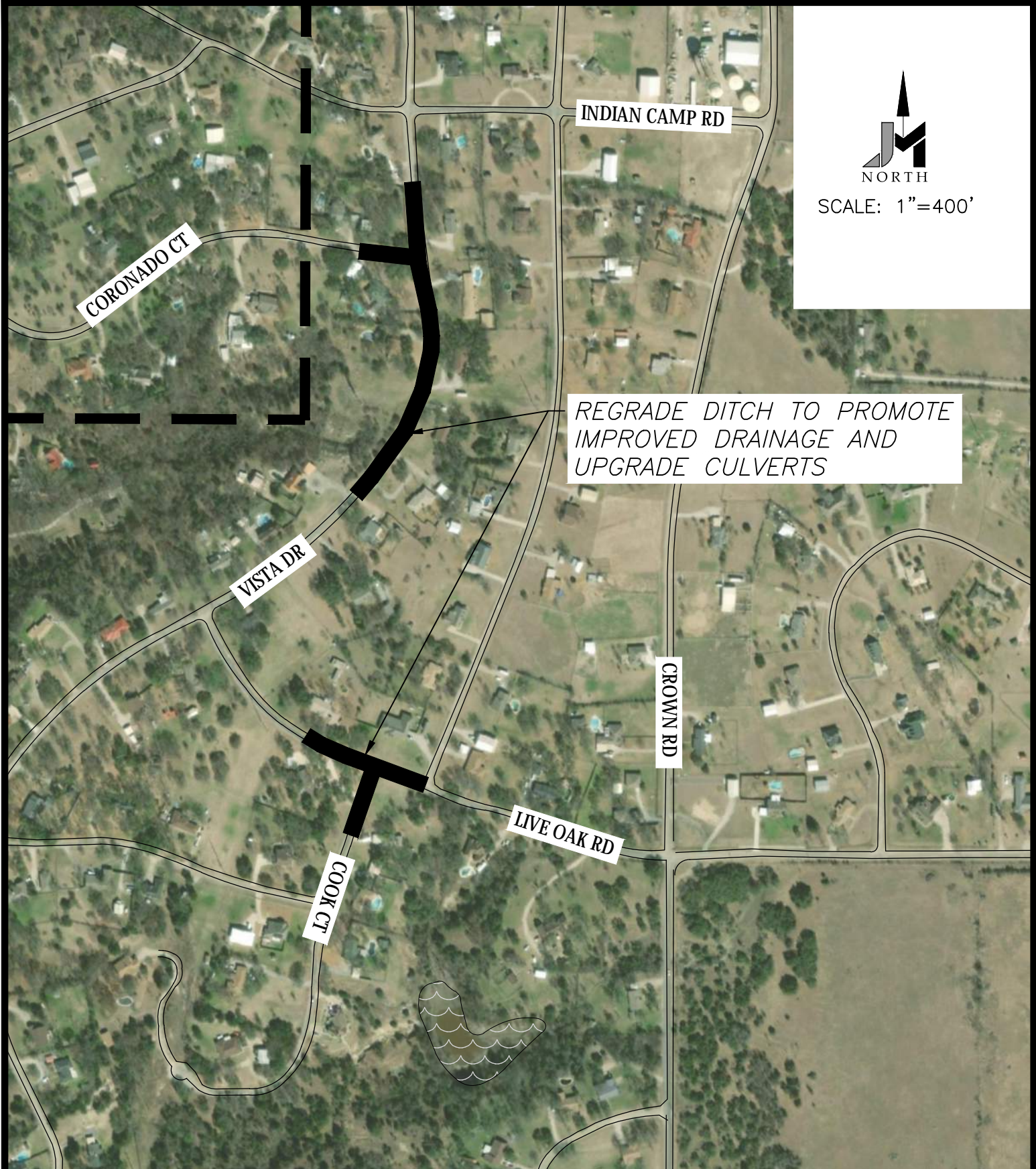
Stormwater Fee Studies
1-5 Year Improvements Priority #5



3465 CURRY LANE
ABILENE, TX 79606
325-695-1070

1508 SANTA FE DR, STE 203
WEATHERFORD, TX 76086
817-594-9880

FIRM# F-2448



NORTH

SCALE: 1"=400'

REGRADE DITCH TO PROMOTE IMPROVED DRAINAGE AND UPGRADE CULVERTS

CITY OF WILLOW PARK
 Parker County, Texas

Stormwater Fee Studies

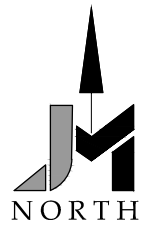
1-5 Year Improvements Priority #6 & #7

**JACOB
 MARTIN**

3465 CURRY LANE
 ABILENE, TX 79606
 325-695-1070

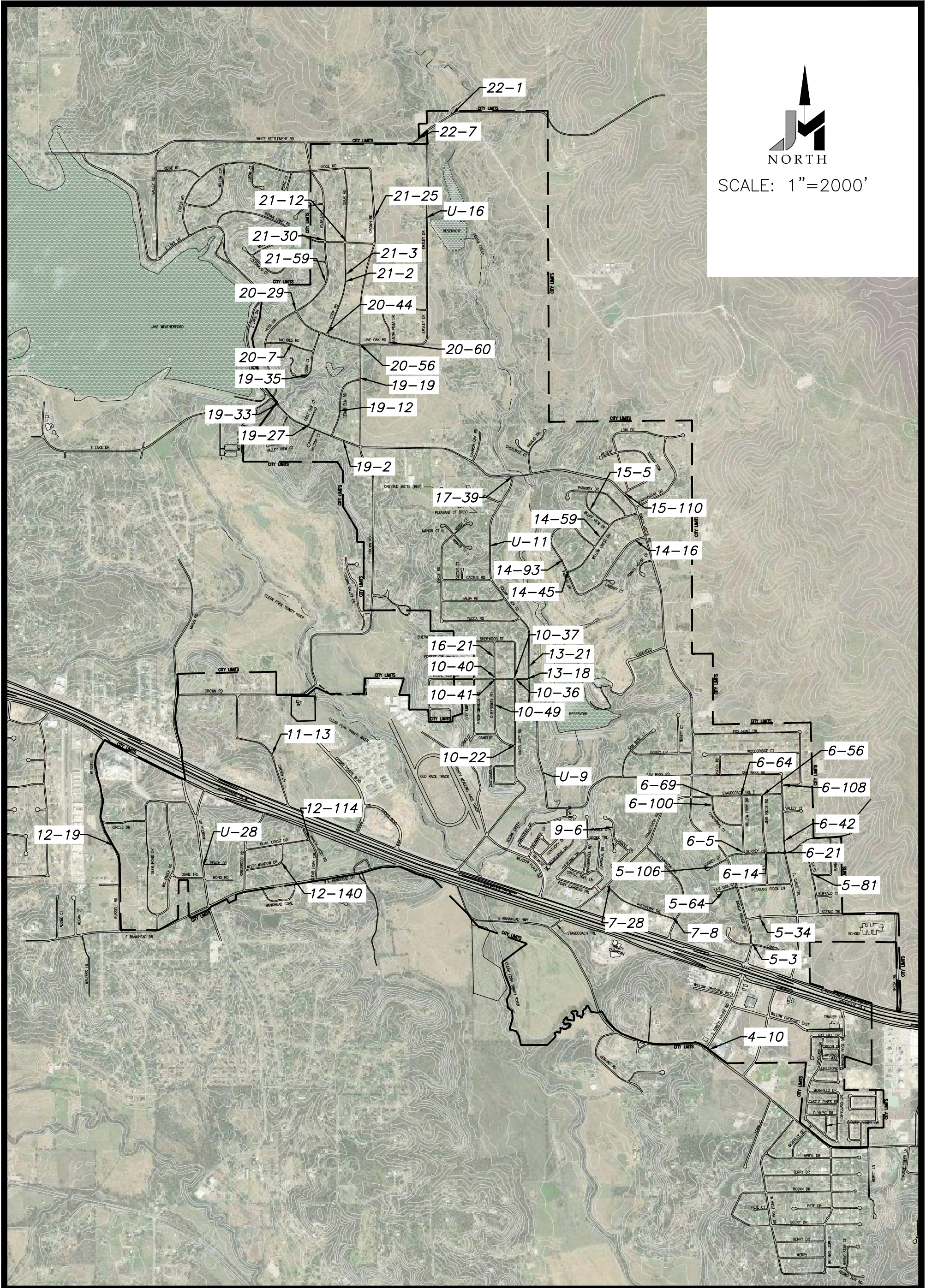
1508 SANTA FE DR, STE 203
 WEATHERFORD, TX 76086
 817-594-9880

FIRM# F-2448

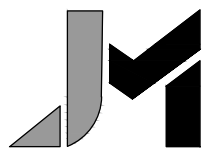


NORTH

SCALE: 1"=2000'



CITY OF WILLOW PARK
Parker County, Texas
Stormwater Fee Studies
1-10 Year Culvert Improvements



**JACOB
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FIRM # F-2448

3465 CURRY LANE
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LUBBOCK, TX 79401
806-368-6375