ORDINANCE NO. 2015-03

AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING ORDINANCE 2014-38, ESTABLISHING IMPACT FEES FOR WATER AND WASTEWATER UTILITIES.

WHEREAS, the City of Boerne, Texas, is responsible for and committed to the provision of public facilities and services (including water and wastewater service) at levels necessary to cure any existing public service deficiencies in already developed areas; and

WHEREAS, such facilities and service levels shall be provided by the City of Boerne utilizing funds allocated in the capital budget and capital improvements programming processes and relying upon the funding sources indicated therein; and

WHEREAS, new residential and nonresidential development causes and imposes increased and excessive demands upon Boerne Water and Wastewater Utilities public facilities and services, including water and sewer facilities, that would not otherwise occur; and

WHEREAS, planning and zoning projections indicate that such development will continue and will place ever-increasing demands on the City of Boerne to provide necessary public facilities; and

WHEREAS, the development potential and property values of properties are strongly influenced and encouraged by City policy as expressed in the Comprehensive Plan and as implemented via the City zoning ordinance and map; and

WHEREAS, to the extent that such new development places demands upon the public facility infrastructure, those demands should be satisfied by shifting the responsibility for financing the provision of such facilities from the public at large to the developments actually creating the demands for them; and

WHEREAS, the amount of the impact fee to be imposed shall be determined by the cost of the additional public facilities needed to support such development, which public facilities shall be identified in a capital improvements program, and

WHEREAS, the City Council, after careful consideration of the matter, hereby finds and declares that impact fees imposed upon residential and nonresidential development to finance specified major public facilities, the demand for which is created by such development, is in the best interests of the general welfare of the City and its residents, is equitable, and does not impose an unfair burden on such development;

WHEREAS, in 1987 the Texas Legislature adopted Senate Bill 336; now Texas Local Government Code Chapter 395; and

WHEREAS, the City Council finds that in all things the City has complied with said statute in the notice, adoption, promulgation, and methodology necessary to adopt Impact Fees; and

WHEREAS, the City has completed a review and update of the land use assumptions, the capital improvements plan for water and wastewater facilities, and the impact fees in accordance with the procedures set forth in Texas Local Government Code Chapter 395; and

WHEREAS, from time to time it becomes necessary for the City Council to repeal and reestablish ordinances of the City of Boerne, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS;

That Ordinance No. 2014-01 is hereby repealed and replaced with the following:

WATER AND WASTEWATER IMPACT FEES

ARTICLE I

GENERAL PROVISIONS

Section 1.01 Short Title

This Ordinance shall be known and cited as the Water and Wastewater Impact Fee Ordinance.

Section 1.02 Intent

This Ordinance is intended to impose water and wastewater impact fees, as established in this Ordinance, in order to finance public facilities, the demand for which is generated by new development in the designated service area.

Section 1.03 Authority

The City is authorized to enact this Ordinance by Texas Local Government Code Chapter 395 (Senate Bill 336 enacted by the 70th Texas Legislature) and its successors, which authorizes cities, among others, to enact or impose impact fees (impact fees) on land within their corporate boundaries or extraterritorial jurisdictions, as charges or assessments imposed against new development in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to such new development. The provisions of this Ordinance shall not be construed to limit the power of the City to adopt such Ordinance pursuant to any other source of local authority, nor to utilize any other methods or powers otherwise available for accomplishing the purposes set forth herein, either in substitution of or in conjunction with this Ordinance. Guidelines may be developed by resolution or otherwise to implement and administer this chapter.

Section 1.04 Definitions

As applied in this Ordinance, the following words and terms shall be used:

(1) Area Related Facility - A capital improvement or facility expansion which is designated in the Capital Improvements Plan and which is not a site-related service facility. An area-related service facility may include a capital improvement which is located off-site, within, or on the perimeter of the development site.

(2) Assessment - The determination of the amount of the maximum impact fee per service unit which can be imposed on new development pursuant to this Ordinance.

(3) Boerne Utilities - The municipal water and wastewater utilities of the City of Boerne, Texas.

(4) Capital Construction Cost of Service - Costs of constructing capital improvements or facility expansions, including and limited to the construction contract price, surveying and engineering fees, land acquisition costs (including land purchases, court awards and costs, attorney's fees, and expert witness fees), and the 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 City.

(5) Capital Improvement Advisory Committee (Advisory Committee) - Advisory committee, appointed by the City Council, consisting of at least five members which are not employees of the City, not less than 40 percent of which shall be representatives of the real estate, development, or building industries who are not employees or officials of a political subdivision or governmental entity The Planning and Zoning 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, one such member may be appointed as an ad hoc member. 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. The advisory committee is appointed to regularly review and update the capital improvements program in accordance with the requirements of Texas Local Government Code Chapter 395, and its successors.

(6) Capital Improvements Plan (CIP) - Plan which identifies water and wastewater capital improvements or facility expansions pursuant to which impact fees may be assessed.

(7) Impact Fee - Fee to be imposed upon new development, calculated based upon the growth-related costs of facilities in proportion to development creating the need for such facilities, fees do not include dedication of rights-of-way or easements, or construction or dedication of site-related water distribution or wastewater collection facilities required by other ordinances of the City Code or policy; or pro rata fees placed in trust funds for the purpose of reimbursing developers for oversizing or constructing water or sewer mains.

(8) City – City of Boerne, Texas.

(9) City Council - Governing body of the City of Boerne, Texas.

(10) City Manager - The chief administrative and executive officer of the City, appointed by the City Council and responsible to the City Council for the administration of all the affairs of the city. City Manager includes any city employee designated to act in the City Manager's behalf.

(11) Commercial Development - For the purposes of this Ordinance, all development which is neither residential nor industrial. Commercial development includes any structure or structures on a single lot designed to accommodate more than four dwelling units.

(12) Comprehensive Plan - The comprehensive long-range plan, adopted by the City Council, which is intended to guide the growth and development of the City which includes analysis, recommendations and proposals for the City regarding such topics as population, economy, housing, transportation, community facilities, and land use.

(13) Duplex - A structure on a single lot designed to accommodate two dwelling units, as authorized under the City's zoning regulations.

(14) Dwelling Unit - a structure or portion of an overall structure in which a typical household or person or unrelated persons would reside together. A single dwelling unit would include a single family detached house or individual units of attached housing, i.e. one unit within a duplex, triplex, fourplex, or larger apartment building.

(15) Effective Impact Fee - Amount of impact fee collected per service unit, which may be equal to or less than the maximum impact fees as set forth in Exhibit C to this ordinance.

(16) Existing Development - All development within the service area which has a water or wastewater utility service, whether on the Boerne Utilities' system or other centralized water or sewer system, as of the date of the adoption of this Ordinance.

(17) Facility Expansion - The expansion of the capacity of an existing facility which serves the same function as an otherwise necessary new capital improvement in order that the existing facility may serve new development. Facility expansion does not include the repair, maintenance, modernization, or expansion of an existing facility to better serve existing development.

(18) Final Subdivision Plan or Final Plat - The map, drawing, or chart on which is provided a subdivider's plan of a subdivision, and which has received final

approval by the Planning and Zoning Commission or City Council and which is recorded with the office of the County Clerk.

(19) Fourplex – A structure on a single lot designed to accommodate four dwelling units, as authorized under the City's zoning regulations.

(20) Growth-Related Costs - Capital Construction costs of service related to providing additional service units to new development, either from excess capacity in existing facilities, from facility expansions, or from new capital facilities. Growth-related costs do not include:

(a) Construction, acquisition, or expansion of public facilities or assets other than capital improvements or facility expansions identified in the capital improvements plan;

(b) Repair, operation, or maintenance of existing or new capital improvements or facility expansions;

(c) Upgrading, updating, expanding, or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental, or regulatory standards;

(d) Upgrading, updating, expanding, or replacing existing capital improvements to provide better service to existing development;

(e) Administrative and operating costs of the Boerne Utilities; and

(f) Principal payments and interest or other finance charges on bonds or other indebtedness, except for such payments for facilities contained in the capital improvements plan.

(21) Industrial Development - Development which will be assigned to the industrial customer class of the water or wastewater utilities; generally development in which goods are manufactured, or development which is ancillary to such manufacturing activity.

(22) Land Use Assumptions - Projections of changes in land uses, densities, intensities, and population therein over at least a 10-year period, adopted by the City, as may be amended from time to time, upon which the capital improvement plan is based.

(23) Living Unit Equivalent (LUE) - Basis for establishing equivalency among and within various customer classes based upon the relationship of the continuous duty maximum flow rate in gallons per minute for a water meter of a given size and type compared to the continuous duty maximum flow rate in gallons per minute for a 5/8" diameter non-turbine water meter, using American Water Works Association

C700-C703 standards and AWWA Manual of Practice M22. For purposes of this ordinance, 5/8" water meters are considered to equal one (1) LUE. LUE's for various water meter sizes are as follows:

METER SIZE AND TYPE

5/8" Non-turbine	1.0
3/4" Non-turbine	1.5
1" Non-turbine	2.5
1-1/2" Non-turbine	5.0
2" Non-turbine	8.0
2" Compound	8.0
2" Turbine	10.0
3" Compound	16.0
3" Turbine	22.0
4" Compound	25.0
4" Turbine	42.0
6" Compound	50.0
6" Turbine	92.0
8" Turbine	160.0
10" Turbine	250.0
12" Turbine	330.0

(24) New Development - Subdivision of land; or 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 for water or wastewater service. New development includes the provision of water or wastewater service resulting from the conversion of an individual well or septic or other individual waste disposal system, to the Boerne Utilities' water or wastewater utility.

(25) Offset - The amount of the reduction of an impact fee designed to fairly reflect the value of area-related facilities, pursuant to rules herein established or administrative guidelines, provided and funded by a developer pursuant to the City's subdivision regulations or requirements.

(26) Preliminary Subdivision Plan or Preliminary Plat - The initial map, drawing, or chart on which is provided a subdivider's plan of a subdivision, and which accompanies the completed application for preliminary plat approval filed pursuant to Article 2 of the City's Subdivision Ordinance.

(27) Residential - A lot developed for use and occupancy as a single-family residence, a duplex, a triplex, or a fourplex.

(28) Service Area - Area within the corporate boundaries and/or within the extraterritorial jurisdiction as defined by the Municipal Annexation Act (Chapter 42, Section 42.021, Local Government Code), or such areas as contractually defined to be served by the water and wastewater capital improvements or facilities expansions specified in the capital improvements program applicable to the service area.

(29) Service Unit - 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 for a particular category of capital improvements or facility expansions, expressed in living units equivalent.

(30) Single-Family Residence - Single-family dwelling unit, as authorized under the City's zoning regulations.

(31) Site-related Facility - Improvement or facility which is for the primary use or benefit of a new development and/or which is for the primary purpose of safe and adequate provision of water or wastewater facilities to serve the new development, and which is not included in the capital improvements plan, and for which the developer or property owner is solely responsible under subdivision and other applicable regulations.

(32) Application for City Utility Service - The filing with the City of a written application for water or wastewater service and the acceptance of applicable fees by the City. The term "Application for City Utility Service" shall not be applicable to a meter purchased for and exclusively dedicated to fire protection.

(33) Triplex - A structure on a single lot designed to accommodate three dwelling units, as authorized under the City's zoning regulations.

(34) Wastewater Facility - Improvement for providing wastewater service, including, but not limited to, land or easements, treatment facilities, lift stations, or interceptor mains. Wastewater facility excludes wastewater lines or mains which are constructed by developers, the costs of which are reimbursed from pro rata charges paid by subsequent users of the facilities and which are maintained in dedicated trusts. Wastewater facilities also exclude dedication of rights-of-way or easements or construction or dedication of on-site wastewater collection facilities required by valid ordinances or policies of the City and necessitated by and attributable to the new development.

(35) Wastewater Facility Expansion - Expansion of the capacity of any existing wastewater improvement for the purpose of serving new development, not including the repair, maintenance, modernization, or expansion of an existing wastewater facility to serve existing development.

(36) Wastewater Improvements Plan (Wastewater CIP) - Portion of the CIP, as may be amended from time to time, which identifies the wastewater facilities or wastewater facility expansions and their associated costs which are necessitated by and which are attributable to new development, for a period not to exceed ten (10) years, which are to be financed in whole or in part through the imposition of wastewater facilities fees pursuant to this Ordinance.

(37) Water Facility - Improvement for providing water service, including, but not limited to, land or easements, water supply facilities, treatment facilities, pumping facilities, storage facilities, or transmission mains. Water facility excludes water lines or mains which are constructed by developers, the costs of which are reimbursed from pro rata charges paid by subsequent users of the facilities and which are maintained in dedicated trusts. Water facilities also exclude dedication of rights-of-way or easements or construction or dedication of on-site water distribution facilities required by valid ordinances of the City and necessitated by and attributable to the new development.

(38) Water Facility Expansion - Expansion of the capacity of any existing water improvement for the purpose of serving new development, not including the repair, maintenance, modernization, or expansion of an existing water facility to serve existing development.

(39) Water Improvement Plan (Water CIP) - Portion of the CIP, as may be amended from time to time, which identifies the water facilities or water facility expansions and their associated costs which are necessitated by and which are attributable to new development, for a period not to exceed ten (10) years, which are to be financed in whole or in part through the imposition of water facilities fees pursuant to this Ordinance.

Section 1.05 Applicability of Impact Fees

(1) No new development shall be exempt from the assessment of impact fees as defined in this Ordinance. However, the City Council of Boerne may determine that for reasons of applicant hardship or for reasons of general community welfare, the applicable fees may be paid by the City into the appropriate utility funds in lieu of payment by the applicant.

Section 1.06 Impact Fees as Conditions of Development Approval

No application for new development shall be approved without assessment of impact fees pursuant to this Ordinance, and no Application for City Utility Service or building Certificate of Occupancy shall be issued unless the applicant has paid the impact fees imposed by and calculated herein.

Section 1.07 Establishment of Water and Wastewater Service Areas

(1) The conceptual water and wastewater service area(s) for development of impact fee purposes are established as shown on the Service Area Map(s) which is Exhibit A for this Ordinance.

(2) The conceptual service areas shall be established consistent with any facility service area established in the CIP for each utility. Additions to the service area may be designated by the City Council consistent with the procedure set forth in Texas Local Government Code Chapter 395 and its successors.

Section 1.08 Land Use Assumptions

Land use assumptions used in the development of the impact fees are contained in Exhibit B of this Ordinance. These assumptions may be revised by the City Council according to the procedure set forth in Texas Local Government Code Chapter 395 and its successors.

Section 1.09 Service Units

(1) Service units are established in accordance with generally accepted engineering and planning standards.

(2) Upon application for City Utility Service or Building Permit, the number of service units for levy of impact fees related to water and wastewater utilities shall be based on the size of the water meter(s) for the development. Development which consists of more than four dwelling units on a single lot is considered to be commercial development and impact fees shall be based on the size of the water meter(s).

(3) In the case of multi-family customers with greater than four living units on a single lot with individual meters and a separate meter for all irrigation, the levy of Impact Fees can alternately be based upon the potential size of a hypothetical master meter that would serve all of the units on the lot exclusive of irrigation. Impact Fees shall be assessed based on the irrigation meter size and the hypothetical master meter size. All irrigation for the lot shall be through the irrigation meter. The hypothetical master meter shall be sized by a licensed professional engineer to provide the maximum water demand exclusive of irrigation calculated using the following procedure:

(a) Compute the load value in water supply fixture units (wsfu) of all the plumbing fixtures being served on the lot per the Appendix: "Sizing of Water Piping System", of the City adopted plumbing code.

(b) Use the load value in wsfu in the table for estimating demand per the City adopted plumbing code to determine the total demand for the units served on the lot. Add continuous demands for air conditioners and other equipment to the total from the table. Linear interpolation between values in the plumbing code table is acceptable.

(c) Use the following table to determine the meter size and number of LUE's to be assessed by selecting a hypothetical master meter size with the Maximum Continuous Flow greater than the estimated total demand plus continuous demands:

High Normal Flow Rate(gpm)	Meter Size	LUE's
10	5/8" Non-turbine	1.0
15	3/4" Non-turbine	1.5
25	1" Non-turbine	2.5
50	1-1/2" Non-turbine	5.0
80	2" Non-turbine	8.0
100	2" Turbine	10.0
160	3" Compound	16.0
220	3" Turbine	22.0
250	4" Compound	25.0
420	4" Turbine	42.0
500	6" Compound	50.0
920	6" Turbine	92.0
1,600	8" Turbine	160.0
2,500	10" Turbine	250.0
3,300	12" Turbine	330.0

(4) If the City Manager determines that the water pressure in the Boerne Utilities' main is significantly higher or lower than standard pressure such that the size of the water meter is not indicative of actual service demand, the City Manager may adjust the number of LUE's based on a smaller or larger sized meter which more accurately reflects the flow rate and the system pressure conditions.

(5) If a fire demand meter is purchased for a property, the meter size utilized to calculate the number of LUE's shall be the dimension of the portion of the fire demand meter which reflects the meter size which would provide only domestic service to the property. Said reduced meter size shall then be utilized to calculate the number of LUE's. The meter types used to calculate the number of LUE's shall be either non-turbine or compound meters.

(6) Upon application for Utility Service for lots for which no water meter has been purchased, service units shall be established by a professional engineer licensed in the State of Texas, and shall be approved by the City Manager.

(7) The City Council may revise the service units' designation according to the procedure set forth in Texas Local Government Code Chapter 395 and its successors.

Section 1.10 Impact Fees per Service Unit

(1) The maximum impact fee per service unit for each service area shall be computed by dividing the growth-related capital construction cost of service in the service area identified in the capital improvements plan for that category of capital improvements, by the total number of projected service units anticipated within the service area which are necessitated by and attributable to new development and based on the land use assumptions for that service area. The initial base amount of maximum impact fee per service unit for each service area shall be established by category of capital improvements and shall be set forth in Exhibit C to this Ordinance.

(2) Exhibit C may be amended by the City Council according to the procedure set forth in Texas Local Government Code Chapter 395 and its successors.

(3) The effective Impact Fees per service unit may be amended from time to time by the City Council through ordinance amendment to any amount less than or equal to that set forth in Exhibit C to this ordinance.

(4) The effective Impact Fees per service unit shall be equal to or less than the maximum Impact Fees per service unit as set forth in Exhibit C to this ordinance.

(5) Unless changed by subsequent ordinance the effective Impact Fees per Living Unit Equivalent (LUE) for water and wastewater shall be:

Seven Thousand Two Hundred Ninety-Nine Dollars ($7,299) broken down as follows: Four Thousand Eighty-One Dollars ($4,081) for water facilities and Three Thousand Two Hundred Eighteen Dollars (3,218) for wastewater facilities.

(6) The impact fees per service unit set forth in Section 1.10 (5) shall apply to any plat application filed after the effective date of this ordinance.

(7) Impact fees assessed by previous ordinances are attached hereto as Exhibits C1 – C6, and incorporated herein by reference.

Section 1.11 Assessment of Impact Fees

(1) The approval of any subdivision of land or of any new development shall include as a condition the assessment of the impact fee applicable to such development.

(2) Assessment of the impact fee for any new development shall be made as follows:

(a) For a development which is submitted for approval pursuant to the City's subdivision ordinances, regulations and policies, and/or the Development Plat Ordinance, following the effective date of this Ordinance, assessment shall be on the date of filing of a completed application for preliminary plat approval, and shall be the amount as set forth in Section 1.10(5).

(b) For a development which has received final plat approval but for which there has been no prior assessment of fees, fees shall be assessed pursuant to Exhibit C, except as provided for in section 1.11(2)(d).

(c) For land on which new development occurs or is proposed to occur without platting, assessment shall be made at the time upon which an Application for City Utility Service is filed, and shall be calculated as set forth in Section 1.10(5).

(d) For any assessments made after the effective date of this ordinance, the impact fee per service unit set forth in Section 1.10 (5) shall apply. Any development that has received final plat approval, and has been assessed an impact fee under a previous ordinance, which is noted on the subdivision or development plat, shall not have the previously assessed impact fee changed. Any development that has received final plat approval prior to December 11, 1990 shall be assessed a unit fee per Exhibit C6.

(e) Because fire protection is of critical concern to the community as a whole, water demand related solely to fire protection is not subject to assessment of an impact fee. However, if the fire protection capacity of the fire demand meter is routinely utilized for domestic purposes as evidenced by the registration of consumption recorded on the City of Boerne's meter-reading and billing systems, the current owner of the property shall be assessed the current impact fees, as set forth in Section 1.10(5), for the fire protection capacity which has been converted to domestic capacity by its routine usage as domestic capacity.

(3) Following assessment of the impact fee pursuant to subsection (2), no additional impact fees or increases thereof shall be assessed against that development unless the number of service units increases, as set forth under Section 1.09. An increase in service units shall be deemed to have occurred when existing development with existing services for which impact fees have been paid is redeveloped or otherwise altered to require additional water and/or wastewater capacity. The additional service units provided to the lot shall be assessed impact fees based on difference in LUE's between the new services and previous services multiplied by the Effective Impact fee per LUE in accordance with Section 1.10(5).

(4) Following the lapse or expiration of approval for a preliminary plat, which was made pursuant to the Subdivision Ordinance, the assessment made at the time the completed application for a preliminary plat was filed expires, and a new assessment shall be made in accordance with the procedure described in Section 1.11 (2)

Section 1.12 <u>Calculation of Impact Fees</u>

(1) Following the request for new development as provided in Section 1.11 of this Ordinance, the City shall compute impact fees due for the new development in the following manner:

(a) The applicable number of service units per dwelling unit or per water meter size shall be determined according to Section 1.09 of this Ordinance;

(b) Service units for all land uses for the development shall be summed;

(c) The total service units shall be multiplied by the appropriate per-unit fee amount determined as set forth in Section 1.10; and

(d) Fee credits and offsets shall be subtracted as determined by the process prescribed in Section 1.14 of this Ordinance.

(2) The amount of each impact fee due for a new development, whether calculated at time of final plat approval or at time of Application for City Utility Service, shall not exceed an amount computed by multiplying the fee assessed per service unit pursuant to Section 1.10 by the number of service units generated by the development.

Section 1.13 Collection of Impact Fees

(1) No approval of Application for City Utility Service shall be made until all relevant impact fees have been paid to the City, or until a "notice of impact fee due" is recorded as provided in this Section, except as provided otherwise by contract.

(2) For a platted or unplatted development which is submitted in accordance with all applicable ordinance submission requirements for approval pursuant to the City's subdivision regulations and Utilities policies subsequent to the effective date of this Ordinance, impact fees shall be collected at the time of Application for City Utility Service or Application for Building Permit for use of water and wastewater utility facilities in an amount as determined in Section 1.11 and 1.12 above.

(3) For a development which has received final plat approval prior to the effective date of this Ordinance and for which no replatting is necessary prior to provision of a water or wastewater utility services, impact fees shall be collected at the time of Application for City Utility Service or Application for Building Permit except as provided by Section 1.14.

(4) In the event that a water or wastewater utility service is provided as the result of a conversion from an individual well, or septic or other individual waste disposal system, the appropriate fee shall be collected at the time of Application for City Utility Service, except as provided below:

(a) At the request of the applicant, and with the approval of the City Manager, the impact fees for such customers may be paid in increments over a period of not more than one year, with interest computed on the unpaid balance at the statutory rate as set forth in Tex. Rev. Civ. Stat.art.5069-1.03, or any successor statute.

(b) If the applicant chooses this extended payment option, the applicant shall, as a condition of utility service, sign and file with the City Manager, and consent to the recordation of, a "notice of impact fee due", which shall be recorded as a lien against the subject property. The City shall release the lien held only upon payment in full of the impact fees and any late penalties and applicable interest.

(c) Late payments shall subject the applicant to a penalty of ten percent of the amount due and additional interest in addition to all other remedies available to the City as lien holder.

(5) In no case will the unit fee collected be higher than the assessed fee per LUE, as specified herein.

Section 1.14 Offsets and Credits Against Impact Fees

(1) The City shall offset the present value of any area-related facilities listed in the CIP, pursuant to rules established in this section, and which have been dedicated to and have been received by the City, including the value of rights-of-way or capital improvements constructed pursuant to an agreement with the City, against the amount of the impact fee due for that category of capital improvement.

(2) The City shall credit impact fees which have been paid pursuant to Ordinance No. 84-14, Ordinance No. 90-22, Ordinance No. 98-02, Ordinance No. 2001-12, Ordinance No. 2005-67, Ordinance No. 2006-27, Ordinance No. 2009-15, and Ordinance No. 2014-01 prior to the effective date of this Ordinance, against the amount of an impact fee due for that category of capital improvement, subject to guidelines established by the City.

(3) All offsets and credits against impact fees shall be subject to the following limitations and shall be granted based on this Ordinance and additional standards promulgated by the City, which may be adopted as administrative guidelines:

(a) No offset or credit shall be given for the dedication or construction of site-related facilities.

(b) The unit costs used to calculate the offsets shall not exceed those assumed for the capital improvements included in the capital improvements plan for the category of facility within the service area for which the impact fee is imposed.

(c) If an offset or credit applicable to a plat has not been exhausted within ten (10) years from the date of the acquisition of the first building permit issued or connection made after the effective date of this ordinance or within such period as may be otherwise designated by contract, such offset or credit shall lapse.

(d) In no event will the City reimburse the property owner or developer for an offset or credit when no impact fees for the new development can be collected pursuant to this Ordinance or for any amount exceeding the total impact fees due for the development for that category of capital improvement as specified in Section 1.10(5), unless otherwise agreed to by the City.

(4) An applicant for new development must apply for an offset or credit against impact fees due for the development either at the time of application for final plat approval or at the time of application for City Utility Service, unless the City agrees to a different time. The applicant shall

file a petition for offsets or credits with the City on a form provided for such purpose. The contents of the petition shall be established by administrative guidelines. The City must provide the applicant, in writing, with a decision on the offset or credit request, including the reasons for the decision. The decision shall specify the maximum value of the offset or credit which may be applied against an impact fee, which amount and the date of the determination shall be associated with the plat for the new development.

(5) The available offset or credit associated with the plat shall be applied against an impact fee at time of final plat (if fees are paid at that time), or alternatively in the following manner:

(a) Such offset or credit shall be prorated equally among all living unit equivalents, as calculated in Section 1.09, and remain applicable to such LUE's, to be applied at time of filing and acceptance of an application for City Utility Service, as appropriate, against impact fees due.

(b) If the total number of LUE's used by the City in the original offset or credit calculation described in (a) is eventually exceeded by the number of total LUE's realized by the actual development, the City may, at its sole discretion, collect the full impact fee exclusive of any associated offset or credits for the excess LUE's.

(c) At its sole discretion, the City may authorize alternative credit or offset agreements upon petition by the owner in accordance with guidelines promulgated by the City.

Section 1.15 Establishment of Accounts

(1) The City shall establish separate interest bearing accounts, in an institution authorized in the City's Investment Policy, for the two major categories of water and wastewater facilities for which an impact fee is imposed pursuant to this Ordinance.

(2) Interest earned by each account shall be credited to that account and shall be used solely for the purposes specified for funds authorized in Section 1.16.

(3) The City shall establish adequate financial and accounting controls to ensure that impact fees disbursed from the accounts are utilized solely for the purposes authorized in Section 1.16. Disbursement of funds shall be authorized by the City Council of Boerne at such times as are reasonably necessary to carry out the purposes and intent of this Ordinance; provided, however, that any fee paid shall be expended within a reasonable period of time, but not to exceed ten (10) years from the date the fee is deposited into the account.

(4) The City Manager shall maintain and keep adequate financial records for each such account, which shall show the source and disbursement of all revenues, which shall account for all monies received, and which shall ensure that the disbursement of funds from each account shall be used solely and exclusively for the provision of projects specified in the

capital improvements program as area-related facilities. The City shall also maintain such records as are necessary to ensure that refunds are appropriately made under the provision in Section 1.18 of this Ordinance.

Section 1.16 Use of Proceeds of Impact Fee Amounts

(1) The impact fees collected pursuant to this Ordinance may be used to finance or to recoup capital construction costs of service. Impact fees may also be used to retire bonds or pay the principal sum and interest and other finance costs on bonds, notes or other obligations issued by or on behalf of the City to finance such water and wastewater capital improvements or facilities expansions as included in the CIP.

(2) Impact fees collected pursuant to this Ordinance shall not be used to pay for any of the following expenses:

(a) Construction, acquisition or expansion of capital improvements or assets other than those identified for the appropriate utility in the capital improvements plan;

(b) Repair, operation, or maintenance of existing or new capital improvements or facilities expansions;

(c) Upgrading, expanding, or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental, or regulatory standards;

(d) Upgrading, expanding, or replacing existing capital improvements to provide better service to existing development; provided, however, that impact fees may be used to pay the costs of upgrading, expanding, or replacing existing capital improvements in order to meet the need for new capital improvements generated by new development; or

(e) Administrative and operating costs of the City of Boerne.

Section 1.17 Appeals

(1) The property owner or applicant for new development may appeal the following decisions to the City Council of Boerne:

(a) The applicability of an impact fee to the development;

(b) The availability or the amount of an offset or credit;

(c) The application of an offset or credit against an impact fee due;

(d) The amount of the refund due, if any.

(2) The burden of proof shall be on the appellant to demonstrate that the amount of the fee or the amount of the offset or credit was not calculated according to the applicable impact fee schedule or the guidelines established for determining offsets and credits.

(3) The appellant must file a notice of appeal with the City Manager of Boerne within thirty (30) days following the decision. If the notice of appeal is accompanied by a bond or other sufficient surety satisfactory to the City Secretary in an amount equal to the original determination of the impact fee due, the development application or Application for City Utility Service may be processed while the appeal is pending.

Section 1.18 Refunds

(1) Any impact fee or portion thereof collected pursuant to this Ordinance which has not been expended within ten (10) years from the date of payment, shall be refunded, upon application, to the record owner of the property at the time the refund is paid, or, if the impact fee was paid by another governmental entity, to such governmental entity, together with interest calculated from the date of collection to the date of refund at the statutory rate as set forth in Tex. Rev. Civ. Stat. Art. 5069-1.03, or any successor statute.

(2) An impact fee collected pursuant to this Ordinance shall be considered expended if the total expenditures for capital improvements or facilities expansions authorized in Section 1.16 within ten (10) years following the date of payment exceed the total fees collected for such improvements or expansions during such period.

(3) If a refund is due pursuant to subsections (1) and (2), the City shall pro-rate the same by dividing the difference between the amount of expenditures and the amount of the fees collected by the total number of service units assumed within the service area for the period to determine the refund due per service unit. The refund to the record owner or governmental entity shall be calculated by multiplying the refund due per service unit by the number of service units for the development for which the fee was paid, and interest due shall be calculated upon that amount.

(4) Upon the request of an owner of the property on which an impact fee has been paid, the City shall refund such fees if:

(a) Existing service is available and service is denied; or

(b) Service was not available when the fee was collected and the City has failed to commence construction of facilities to provide service within two years of fee payment; or

(c) Service was not available when the fee was collected and has not subsequently been made available within a reasonable period of time considering the type of capital improvement or facility expansion to be constructed, but in any event later than five years from the date of fee payment.

(5) The City shall refund an appropriate proportion of impact fee payments in the event that a previously purchased water meter is replaced with a smaller meter, based on the LUE differential of the two meter sizes and the per-LUE fee at the time of the original fee payment, less an administrative charge of $50.

(6) Petition for refunds shall be submitted to the City Manager on a form provided by the City for such purpose. Within two months of the date of receipt of a petition for refund, the City Manager must provide the petitioner, in writing, with a decision on the refund request, including the reasons for the decision. If a refund is due to the petitioner, the City Manager shall cause a refund payment be made to the petitioner. The petitioner may appeal the determination to the City Council of Boerne, as set forth in Section 1.17.

Section 1.19 Updates to the Plan and Revision of Fees

The City shall review the land use assumptions and capital improvements plan for water and wastewater facilities at an interval consistent with the requirements set forth in Texas Local Government Code Chapter 395, or any successor statute. The City Council shall accordingly then make a determination of whether changes to the land use assumptions, capital improvements plan or impact fees are needed and shall, in accordance with the procedures set forth in Texas Local Government Code Chapter 395, or any successor statute, either update the fees or make a determination that no update is necessary.

Section 1.20 Functions of the Advisory Committee

(1) The functions of the Advisory Committee are those set forth in Texas Local Government Code Chapter 395, or any successor statute, and shall include the following:

(a) Advise and assist the City in adopting land use assumptions;

(b) Review the capital improvements plan regarding water and wastewater capital improvements and file written comments thereon;

(c) Monitor and evaluate implementation of the capital improvements plan;

(d) Advise the City of the need to update or revise the land use assumptions, capital improvements program, and impact fees; and

(e) File a semiannual report evaluating the progress of the City in achieving the capital improvements plans and identifying any problems in implementing the plans or administering the impact fees.

(2) The City shall make available to the Advisory Committee any professional reports prepared in the development or implementation of the capital improvements plan.

(3) The Council shall adopt procedural rules for the committee to follow in carrying out its duties.

Section 1.21 Agreement for Capital Improvements

The City Council of Boerne may approve the owner of a new development to construct or finance some of the public improvements identified in the CIP. In the case of such approval, the property owner must enter into an agreement with the City prior to fee collection. The agreement shall be on a form approved by the City, and shall establish the estimated cost of improvement, the schedule for initiation and completion of the improvement, a requirement that the improvement shall be completed to City standards, and any other terms and conditions the City deems necessary. The City Manager shall review the improvement plan, verify costs and time schedules, determine if the improvement is contained in the CIP, and determine the amount of the applicable credit for such improvement to be applied to the otherwise applicable impact fee before submitting the proposed agreement to the Council for approval.

Section 1.22 Use of Financing Mechanisms

(1) The City may finance water and wastewater capital improvements of facilities expansions designated in the capital improvements plan through the use of operating cash transfers, issuance of bonds, through the formation of public improvement districts or other assessment districts, or through any other authorized mechanism, in such manner and subject to such limitations as may be provided by law, in addition to the use of impact fees.

(2) Except as herein otherwise provided, the assessment and collection of an impact fee shall be additional and supplemental to, and not in substitution of, any other tax, fee, charge, or assessment which is lawfully imposed on and due against the property.

Section 1.23 Impact Fees as Additional and Supplemental Regulation

(1) Impact fees established by this Ordinance are additional and supplemental to, and not in substitution of, any other requirements imposed by the City on the development of land or the issuance of building permits or water or wastewater utility service or the issuance of certificates of occupancy. Such fees are intended to be consistent with and to further the policies of City's Comprehensive Plan, capital improvements plan, zoning ordinance, subdivision regulations, and other City policies, ordinances and resolutions by which the City seeks to ensure the provision of adequate public facilities in conjunction with the development of land.

(2) This Ordinance shall not affect, in any manner, the permissible use of property, density of development, design, and improvement standards and requirements, or any other aspect of the development of land or provision of public improvements subject to the zoning and subdivision regulations or other regulations of the City, which shall be operative and remain in full force and effect without limitation with respect to ail such development.

Section 1.24 Relief Procedures

(1) Any person who has paid an impact fee or an owner of land upon which an impact fee has been paid may petition the Council to determine whether any duty required by this ordinance has not been performed within the time so prescribed. The petition shall be in writing and shall state the nature of the unperformed duty and request that the act be performed within sixty (60)

days of the request. If the Council determines that the duty is required pursuant to the ordinance and is late in being performed, it shall cause the duty to commence within sixty (60) days of the date of the request and to continue until completion.

(2) The Council may grant a variance or waiver from any requirement of this ordinance, upon written request by a developer or owner of property subject to the ordinance, following a public hearing, and only upon finding that a strict application of such requirement would when regarded as a whole, result in confiscation of the property.

(3) The Council may grant a waiver from any requirement of this ordinance on other grounds, as may be set forth in administrative guidelines.

(4) If the Council grants a variance or waiver to the amount of the impact fees due for a new development under this Section, it shall cause to be appropriated from other City funds the amount of the reduction in the impact fees to the account in which the fees would have been deposited.

Section 1.25 Exemption from Ordinance

No exemptions will be granted from payment of applicable water and wastewater impact fees, except as provided for in Section 1.14.

ARTICLE II

WATER FACILITIES FEES

Section 2.01 Water Service Area

(1) There is hereby established a conceptual water service area for planning and impact fee calculation purposes as depicted in Exhibit A, attached hereto and incorporated by reference.

(2) The boundaries of the water service area may be amended from time to time, and new water service areas may be delineated, pursuant to the procedures in Section 1.07.

Section 2.02 Water Improvements Plan

(1) The Water Improvements Plan for the City of Boerne for impact fee calculation purposes is hereby adopted as Exhibit D attached hereto and incorporated by reference herein.

(2) The Water Improvements Plan may be amended from time to time, pursuant to the procedures set forth in Texas Local Government Code Chapter 395 and its successors.

Section 2.03 Water Facilities Fees

(1) The maximum base impact fees per service unit for water facilities are hereby adopted and incorporated in Exhibit C attached hereto and made a part hereof by reference.

(2) The impact fees per service unit for water facilities may be amended from time to time, pursuant to the procedures in Section 1.10.

ARTICLE III

WASTEWATER FACILITIES FEES

Section 3.01 Wastewater Service Area

(1) There is hereby established a conceptual wastewater service area for planning purposes and impact fee calculation as depicted on Exhibit A, attached hereto and incorporated herein by reference.

(2) The boundaries of the conceptual wastewater service area may be amended from time to time, and new wastewater service areas may be delineated, pursuant to the procedures in Section 1.07.

Section 3.02 Wastewater Improvements Plan

(1) The Wastewater Improvements Plan for the City of Boerne for impact fee calculation purposes is hereby adopted as Exhibit E attached hereto and incorporated by reference herein.

(2) The Wastewater Improvements Plan may be amended from time to time, pursuant to the procedures set forth in Texas Local Government Code Chapter 395 and its successors.

Section 3.03 Wastewater Facilities Fees

(1) The maximum base impact fees per service unit for wastewater facilities are hereby adopted and incorporated in Exhibit C attached hereto and made a part hereof by reference.

(2) The impact fees per service unit for wastewater facilities may be amended from time to time, pursuant to the procedures in Section 1.10.

ARTICLE IV

MISCELLANEOUS PROVISIONS

If any sentence, section, subsection, clause, phrase, part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes, which are hereby found and declared to be in furtherance of the public health, safety, and welfare. Any member of the City Council, City official, or employee charged with the enforcement of this ordinance, acting for the City in the discharge of his or her duties, shall not thereby render himself or herself personally liable; and is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of said duties.

Any violation of this ordinance can be enjoined by a suit filed in the name of the City of Boerne in court of competent jurisdiction, and this remedy shall be in addition to any penalty provision in this ordinance.

This Ordinance shall take effect immediately upon passage on the second reading.

PASSED and APPROVED on first reading this the 27th day of January, 2015.

PASSED, APPROVED, and ADOPTED on second reading this the 10th day of February, 2015.

APPROVED:

Michael D Schultz

Mayor

ATTEST:

Lori Carroll

City Secretary

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

POTENTIAL SERVICE AREA MAP

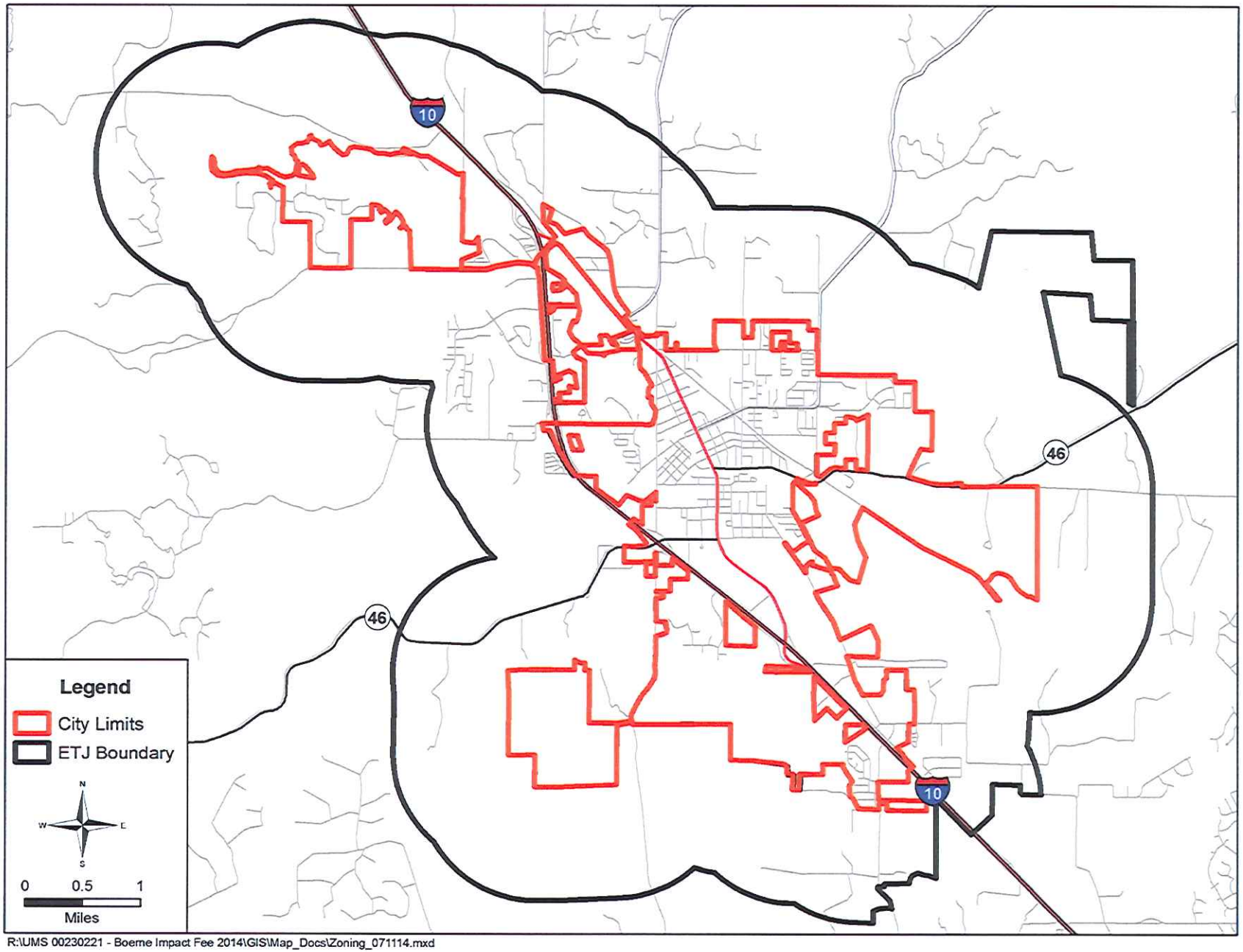

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EXHIBIT B

LAND USE ASSUMPTIONS

Current and Projected Land Use

Item	Current		Future (Including ETJ)	
	Acres	%	Acres	%
Low & Med. Density Residential & Mfg. Homes	2,330	11%	5,792	29%
Medium/High and High Density Residential	554	3%	656	3%
Commercial/Retail	594	3%	1,038	5%
Neighborhood Services	111	1%	111	1%
Industrial	168	1%	180	1%
City Property/ROW	328	2%	350	2%
Subtotal Developed	**4,082**	**21%**	**8,127**	**41%**
Undeveloped/Not Served by City Utilities	16,227	79%	12,181	59%
Total Land Use Acreage	**20,308**	**100%**	**20,308**	**100%**

Source: City of Boerne, 2014.

Assume: daily water use rates of:

490 gals per new low & med density residential & mfg home acre,

600 gals per new medium/high and high density residential acre,

450 gals per new commercial/retail use acre,

250 gals per new neighborhood services use acre,

250 gals per new industrial use acre,

250 gals per new city property/row acre.

EXHIBIT C

SCHEDULE OF MAXIMUM IMPACT FEES

UTILITY	CALCULATED FEE	RATE CREDIT	MAXIMUM FEE
WATER	$4,346	$266	$4,081
WASTEWATER	$4,804	$1,586	$3,218

EXHIBIT C1
IMPACT FEES BY METER SIZE
ASSESSED BEGINNING OCTOBER 15, 2014

METER SIZE	LUE'S PER METER	WATER FEE	WASTEWATER FEE	TOTAL FEE
5/8"	1.0	$4,081.00	$3,218.00	$7,299.00
3/4"	1.5	$6,121.50	$4,827.00	$10,948.50
1"	2.5	$10,202.50	$8,045.00	$18,247.50
1 1/2"	5.0	$20,405.00	$16,090.00	$36,495.00
2" Non-turbine	8.0	$32,648.00	$25,744.00	$58,392.00
2" Compound	8.0	$32,648.00	$25,744.00	$58,392.00
2" Turbine	10.0	$40,810.00	$32,180.00	$72,990.00
3" Compound	16.0	$65,296.00	$51,488.00	$116,784.00
3" Turbine	22.0	$89,782.00	$70,796.00	$160,578.00
4" Compound	25.0	$102,025.00	$80,450.00	$182,475.00
4" Turbine	42.0	$171,402.00	$135,156.00	$306,558.00
6" Compound	50.0	$204,050.00	$160,900.00	$364,950.00
6" Turbine	92.0	$375,452.00	$296,056.00	$671,508.00
8" Turbine	160.0	$652,960.00	$514,880.00	$1,167,840.00
10" Turbine	250.0	$1,020,250.00	$804,500.00	$1,824,750.00
12" Turbine	330.0	$1,346,730.00	$1,061,940.00	$2,408,670.00

EXHIBIT C2
IMPACT FEES BY METER SIZE

ASSESSED JUNE 10, 2009 – OCTOBER 14, 2009

METER SIZE	LUE'S PER METER	WATER FEE	WASTEWATER FEE	TOTAL FEE
5/8"	1.0	$2,563.00	$4,580.00	$7,143.00
3/4"	1.5	$3,844.50	$6,870.00	$10,714.50
1"	2.5	$6,407.50	$11,450.00	$17,857.50
1 1/2"	5.0	$12,815.00	$22,900.00	$35,715.00
2" Simple	8.0	$20,504.00	$36,640.00	$57,144.00
2" Turbine	12.0	$30,756.00	$54,960.00	$85,716.00
3" Compound	16.0	$41,008.00	$73,280.00	$114,288.00
3" Turbine	25.0	$64,075.00	$114,500.00	$178,575.00
4" Compound	25.0	$64,075.00	$114,500.00	$178,575.00
4" Turbine	42.0	$107,646.00	$192,360.00	$300,006.00
6" Compound	50.0	$128,150.00	$229,000.00	$357,150.00
6" Turbine	92.0	$235,796.00	$421,360.00	$657,156.00
8" Compound	80.0	$205,040.00	$366,400.00	$571,440.00
8" Turbine	160.0	$410,080.00	$732,800.00	$1,142,880.00
10" Compound	115.0	$294,745.00	$526,700.00	$821,445.00
10" Turbine	250.0	$640,750.00	$1,145,000.00	$1,785,750.00
12" Turbine	330.0	$845,790.00	$1,511,400.00	$2,357,190.00

EXHIBIT C3
IMPACT FEES BY METER SIZE
ASSESSED OCTOBER 26, 2005 – JUNE 9, 2009

METER SIZE	LUE'S PER METER	WATER FEE	WASTEWATER FEE	TOTAL FEE
5/8"	1.0	$2,536.16	$3,154.12	$5,690.28
3/4"	1.5	$3,804.24	$4,731.18	$8,535.42
1"	2.5	$6,340.40	$7,885.30	$14,225.70
1 1/2"	5.0	$12,680.80	$15,770.60	$28,451.40
2" Simple	8.0	$20,289.28	$25,232.96	$45,522.24
3" Compound	16.0	$40,578.56	$50,465.92	$91,044.48
3" Turbine	25.0	$63,404.00	$78,853.00	$142,257.00
4" Compound	25.0	$63,404.00	$78,853.00	$142,257.00
4" Turbine	42.0	$106,518.72	$132,473.04	$238,991.76
6" Compound	50.0	$126,808.00	$157,706.00	$284,514.00
6" Turbine	92.0	$233,326.72	$290,179.04	$523,505.76
8" Compound	80.0	$202,892.80	$252,329.60	$455,222.40
8" Turbine	160.0	$405,785.60	$504,659.20	$910,444.80
10" Compound	115.0	$291,658.40	$362,723.80	$654,382.20
10" Turbine	250.0	$634,040.00	$788,530.00	$1,422.570.00
12" Turbine	330.0	$836,932.80	$1,040,859.60	$1,877,792.40

EXHIBIT C4

IMPACT FEES BY METER SIZE
ASSESSED MAY 9, 2001 – OCTOBER 25, 2005

METER SIZE	LUE'S PER METER	WATER FEE	WASTEWATER FEE	TOTAL FEE
5/8"	1.0	$1,464.00	$1,173.00	$2,637.00
3/4"	1.5	$2,196.00	$1,759.50	$3,955.50
1"	2.5	$3,660.00	$2,932.50	$6,592.50
1 1/2"	5.0	$7,320.00	$5,865.00	$13,185.00
2" Simple	8.0	$11,712.00	$9,384.00	$21,096.00
2" Compound	8.0	$11,712.00	$9,384.00	$21,096.00
2" Turbine	10.0	$14,640.00	$11,730.00	$26,370.00
4" Compound	25.0	$36,600.00	$29,325.00	$65,925.00
4" Turbine	42.0	$61,488.00	$49,266.00	$110,754.00
6" Compound	50.0	$73,200.00	$58,650.00	$131,850.00
6" Turbine	92.0	$134,688.00	$107,916.00	$242,604.00
8" Compound	80.0	$117,120.00	$93,840.00	$210,960.00
8" Turbine	160.0	$234,240.00	$187,680.00	$421,920.00
10" Turbine	250.0	$366,000.00	$293,250.00	$659,250.00
12" Turbine	330.0	$483,120.00	$387,090.00	$870,210.00

EXHIBIT C5

IMPACT FEES BY METER SIZE
ASSESSED MARCH 11, 1998 – MAY 8, 2001

METER SIZE	LUE'S PER METER	WATER FEE	WASTEWATER FEE	TOTAL FEE
5/8"	1.0	$1,746.00	$1,065.00	$2,811.00
3/4"	1.5	$2,619.00	$1,597.50	$4,216.50
1"	2.5	$4,365.00	$2,662.50	$7,027.50
1 1/2"	5.0	$8,730.00	$5,325.00	$14,055.00
2" Simple	8.0	$13,968.00	$8,520.00	$22,488.00
2" Compound	8.0	$13,968.00	$8,520.00	$22,488.00
2" Turbine	10.0	$17,460.00	$10,650.00	$28,110.00
4" Compound	25.0	$43,650.00	$26,625.00	$70,275.00
4" Turbine	42.0	$73,332.00	$44,730.00	$118,062.00
6" Compound	50.0	$87,300.00	$53,250.00	$140,550.00
6" Turbine	92.0	$160,632.00	$97,980.00	$258,612.00
8" Compound	80.0	$139,680.00	$85,200.00	$224,800.00
8" Turbine	160.0	$279,360.00	$170,400.00	$449,760.00
10" Turbine	250.0	$436,500.00	$266,250.00	$702,750.00
12" Turbine	330.0	$576,180.00	$351,450.00	$927,630.00

EXHIBIT C6

IMPACT FEES
ASSESSED NOVEMBER 14, 1990 – MARCH 10, 1998

WATER FEE PER LUE	WASTEWATER FEE PER LUE	TOTAL FEE PER LUE
$465.00	$560.00	$1,025.00

Fee assessment per LUE = Unit fee x $(1.03)^n$

Unit Fee = the base amount of effective impact fee per service unit, as set forth above.

^{n} = the elapsed time in years or portion of years from November 14, 1990.

EXHIBIT C7

IMPACT FEES BY USE/METER SIZE
ASSESSED JUNE 12, 1984 – NOVEMBER 13, 1990

	WATER FEE	WASTEWATER FEE	TOTAL FEE
Single family dwellings	$350.00	$675.00	$1,025.00
Multi-family dwellings up to 4 units	$350.00**	$600.00**	$950.00**
Multi-family dwellings greater than 4 units	$350.00**	$575.00**	$925.00**
Hospitals and/or Nursing Homes	$250.00*	$500.00*	$750.00*
Hotels and Motels	$125.00**	$250.00**	$375.00**

* Bed
** Unit

All other commercial and industrial fees will be based on water meter size as follows:

METER SIZE	WATER FEE	WASTEWATER FEE	TOTAL FEE
5/8"	$350.00	$675.00	$1,025.00
1"	$875.00	$1,688.00	$2,563.00
1 1/2"	$1,750.00	$3,375.00	$5,125.00
2"	$2,800.00	$5,400.00	$8,200.00
4"	$8,750.00	$16,875.00	$25,625.00
6"	$28,000.00	$54,000.00	$82,000.00

EXHIBIT D

WATER IMPROVEMENTS PLAN

Table 6a.
Water CIP Inventory and Costing

Facility Name	Construction Cost	Capacity Total	Capacity LUEs	Construction Cost per LUE	Facility Capacity Allocations (LUEs) Existing Customers	Growth Use in Next 10 Years	Excess Capacity after 10 Years	Total Capacity
WATER SUPPLY								
EXISTING FACILITIES		mgd						
Boerne City Lake		0.7	2,307					
Groundwater Wells		1.0	2,992					
WCRWSP		3.2	9,864					
Subtotal Existing Facilities	$ 8,719,174	4.9	15,163	$ 575	6,620	5,376	3,168	15,163
FUTURE FACILITIES								
Subtotal Future Facilities	-	-	-	$ -	-	-	-	-
TOTAL WATER SUPPLY	$ 8,719,174	4.9	15,163		6,620	5,376	3,168	15,163
	AVERAGE CAPITAL COST PER NEW LUE =			$ 576				
WATER TREATMENT - PRODUCTION								
EXISTING FACILITIES		peak day mgd						
Water Treatment - WTP		1.5	2,248					-
WCRWSP		3.2	4,765					
Groundwater Wells		1.0	1,445					-
Subtotal Existing Facilities	$ 381,513	5.6	8,459	$ 45	6,620	1,839	-	8,459
FUTURE FACILITIES								
WTP Expansion	$17,042,000	2.5	3,747	$ 4,548				
Subtotal Future Facilities	$17,042,000	2.5	3,747	$ 4,548	-	3,536	211	-
TOTAL WATER TREATMENT	$17,423,513	8.1	12,207		6,620	5,376	211	12,207
	AVERAGE CAPITAL COST PER NEW LUE =			$ 3,007				
PUMPING								
EXISTING FACILITIES		peak hr mgd						
WTP High Service Pumps		1.4	1,277					
Groundwater Wells		1.7	1,507					
Menger Springs Pump Station		0.8	701					
WCRWSP Pump Station	$ 797,398	3.0	2,660					
Subtotal Existing Facilities	$ 797,398	6.9	6,144	$ 130	6,620	(476)	-	6,144
FUTURE FACILITIES								
WCRWSP Pump Station Expansion	$ 252,000	1.5	1,330	$ 190				
WTP High Service Pumps	$ 313,000	6.0	5,319	$ 59				
Subtotal Future Facilities	$ 565,000	7.5	6,649	$ 85	-	5,851	798	-
TOTAL PUMPING	$ 1,362,398	14.4	12,793		6,620	5,376	798	12,793
	AVERAGE CAPITAL COST PER NEW LUE =			$ 81				
GROUND STORAGE								
EXISTING FACILITIES		mill. gals.						
Clear Well - WTP		1.0	3,103					
WTP Clearwell	$ 871,145	2.0	6,206					
WCRWSP Tank	$ 413,956	1.0	3,103					
Subtotal Existing Facilities	$ 1,285,101	4.0	12,412	$ 104	6,620	4,647	1,145	12,412
FUTURE FACILITIES								
Miller Tract Ground Storage Level II	$ 75,000	0.235	729					
Subtotal Future Facilities	$ 75,000	0.235	729	$ 103	-	729	0	729
TOTAL GROUND STORAGE	$ 1,360,101	4.235	13,141		6,620	5,376	1,145	13,141
	AVERAGE CAPITAL COST PER NEW LUE =			$ 103				
ELEVATED STORAGE								
EXISTING FACILITIES		mill. gals.						
Highland Standpipe	$ 507,761	1.000	5,000					
Miller Springs Standpipe Level II		0.100	500					
Menger Springs Standpipe	$ 360,891	0.500	2,500					
Subtotal Existing Facilities	$ 868,652	1.600	8,000	$ 109	6,620	1,380	-	8,000
FUTURE FACILITIES								
East Standpipe Oversizing	$ 2,150,000	1.000	5,000					
West Standpipe Oversizing	$ 1,600,000	0.500	2,500					
Subtotal Future Facilities	$ 3,750,000	1.500	7,500	$ 500	-	3,996	3,504	-
TOTAL ELEVATED STORAGE	$ 4,618,652	3.100	15,500		6,620	5,376	3,504	15,500
	AVERAGE CAPITAL COST PER NEW LUE =			$ 400				
TRANSMISSION								
EXISTING FACILITIES		peak hr mgd						
Boerne South Main	$ 753,260	3.0	2,660					
Menger Creek Main	$ 186,167	1.5	1,330					
WCRWSP Transmission Main	$ 232,724	4.5	3,989					
John's Road Water Main	$ 233,977	1.5	1,330					
Transmission Main Oversizing West	$ 19,848	1.0	887					
Hwy 46 East Transmission Main	$ -	4.4	3,901					
Misc. Mains	$ 1,890,294	9.4	8,317					
Old San Antonio Road	$ 445,000	1.5	1,330					
Subtotal Existing Facilities	$ 3,761,270	26.8	23,742	$ 158	6,620	5,000	12,123	23,742
FUTURE FACILITIES								
WTP Transmission Line	$ 3,243,000	5.2	4,610					
East Loop Transmission Main	$ 1,938,000	4.4	3,901					
Various Transmission Main Oversizing	$ 123,000	4.4	3,901					
Subtotal Future Facilities	$ 5,304,000	14.0	12,412	$ 427	-	376	12,036	12,412
TOTAL TRANSMISSION	$ 9,065,270	40.8	36,154		6,620	5,376	24,158	36,154
	AVERAGE CAPITAL COST PER NEW LUE =			$ 177				
WATER TOTAL								
Existing	$15,813,108							
Future	$26,736,000							
Total	$42,549,108							
	AVERAGE CAPITAL COST PER NEW LUE =			$ 4,343				

TABLE 6a.
WATER CIP INVENTORY AND COSTING

		Capacity			Facility Capacity Allocations (LUEs)			
					-	3,158	589	-
TOTAL WATER TREATMENT	$ 11,631,513	8.1	12,207		5,616	6,001	589	12,207
	AVERAGE CAPITAL COST PER NEW LUE =			$ 1,601				
PUMPING								
EXISTING FACILITIES		peak hr mgd						
WTP High Service Pumps		1.4	1,277					
Groundwater Wells		1.7	1,507					
Menger Springs Pump Station		0.8	701					
WCRWSP Pump Station	$ 797,398	3.0	2,660					
Subtotal Existing Facilities	$ 797,398	6.9	6,144	$ 130	5,616	528	-	6,144
FUTURE FACILITIES								
WCRWSP Pump Station Expansion	$ 252,000	1.5	1,330	$ 190				
WTP High Service Pumps	$ 313,000	6.0	5,319	$ 59		5,473		
Subtotal Future Facilities	$ 565,000	7.5	6,649	$ 85	-	5,473	1,176	-
TOTAL PUMPING	$ 1,362,398	14.4	12,793		5,616	6,001	1,176	12,793
	AVERAGE CAPITAL COST PER NEW LUE =			$ 89				
GROUND STORAGE								
EXISTING FACILITIES		mill. gals.						
Clear Well - WTP		1.0	3,103					
WTP Clearwell	$ 871,145	2.0	6,206					
WCRWSP Tank	$ 413,956	1.0	3,103					
Subtotal Existing Facilities	$ 1,285,101	4.0	12,412	$ 104	5,616	6,001	794	12,412
FUTURE FACILITIES								
Subtotal Future Facilities	$ -	-	-	$ -	-	-	-	-
TOTAL GROUND STORAGE	$ 1,285,101	4.000	12,412		5,616	6,001	794	12,412
	AVERAGE CAPITAL COST PER NEW LUE =			$ 104				
ELEVATED STORAGE								
EXISTING FACILITIES		mill. gals.						
Highland Standpipe	$ 507,761	1.000	5,000					
Elevated Tank (Menger Springs)	$ 360,891	0.500	2,500					
Subtotal Existing Facilities	$ 868,652	1.500	7,500	$ 116	5,616	1,884	-	7,500
FUTURE FACILITIES								
East Standpipe Oversizing	$ 500,000	1.000	5,000					
Menger Springs Standpipe		0.100	500					
West Standpipe Oversizing	$ 250,000	0.500	2,500					
Subtotal Future Facilities	$ 750,000	1.600	8,000	$ 94	-	4,117	3,883	-
TOTAL ELEVATED STORAGE	$ 1,618,652	3.100	15,500		5,616	6,001	3,883	15,500
	AVERAGE CAPITAL COST PER NEW LUE =			$ 101				
TRANSMISSION								
EXISTING FACILITIES		peak hr mgd						
Boerne South Main	$ 753,260	3.0	2,660					
Menger Creek Main	$ 188,167	1.5	1,330					
WCRWSP Transmission Main	$ 232,724	3.0	2,660					
John's Road Water Main	$ 233,977	1.5	1,330					
Transmission Main Oversizing West	$ 19,848	1.0	887					
Misc. Mains	$ 1,890,294	9.4	8,317					
Old San Antonio Road	$ 445,000	1.5	1,330					
Subtotal Existing Facilities	$ 3,761,270	20.9	18,512	$ 203	5,616	5,000	7,896	18,512
FUTURE FACILITIES								
WTP Transmission Line	$ 2,200,000	3.0						
Various Transmission Main Oversizing	$ 250,000	3.5	3,103					
Subtotal Future Facilities	$ 2,450,000	6.5	3,103	$ 790	-	1,001	2,102	3,103
TOTAL TRANSMISSION	$ 6,211,270	27.4	21,615		5,616	6,001	9,998	21,615
	AVERAGE CAPITAL COST PER NEW LUE =			$ 301				
WATER TOTAL								
Existing	$ 15,582,320							
Future	$ 15,015,000							
Total	$ 30,597,320							
	AVERAGE CAPITAL COST PER NEW LUE =			$ 2,755				

EXHIBIT E

WASTEWATER IMPROVEMENTS PLAN

Table 6b.
Wastewater CIP Inventory and Costing

Facility Name	Construction Cost	Capacity Total	Capacity LUEs	Construction Cost per LUE	Facility Capacity Allocations (LUEs) Existing Customers	Growth Use in Next 10 Years	Excess Capacity after 10 Years	Total Capacity
TREATMENT								
EXISTING FACILITIES		mgd						
Esser Road WWTP	$ 3,618,080	1.5	5,000					
Old San Antonio Road WWTRC	$28,388,420	1.4	4,667					
Subtotal Existing Facilities	$32,006,500	2.9	9,667	$ 3,311	6,447	3,219	0	9,667
FUTURE FACILITIES								
Old San Antonio Road WWTRC Expansion	$13,730,000	1.3	4,333					
Subtotal Future Facilities	$13,730,000	1.3	4,333	$ 3,168	-	1,907	2,426	4,333
TOTAL TREATMENT	$45,736,500	4.2	14,000		6,447	5,126	2,427	14,000
		AVERAGE CAPITAL COST PER NEW LUE =		$ 3,258				
WASTEWATER PUMPING								
EXISTING FACILITIES		mgd						
LS#1 Deer Creek		0.1	74					
Brentwood		0.3	308					
Vista Verde		0.2	205					
LS#7 School		0.4	369					
LS#8 Meadowlands	$ 127,300	0.2	222					
Winding River Lift Station		0.1	148					
Sutter Mills (Kendall Creek) Lift Station		0.2	185					
Subtotal Existing Facilities	$ 127,300	1.5	1,510	$ 84	1,483	27	-	1,510
FUTURE FACILITIES								
Dumar Lift Station	$ 86,000	0.3	308					
School Lift Station Upgrade	$ 3,370,000	4.1	4,205					
Subtotal Future Facilities	$ 3,456,000	4.4	4,513	$ 766	-	1,152	3,361	4,513
TOTAL WASTEWATER PUMPING	$ 3,583,300	5.9	6,023		1,483	1,179	3,361	6,023
		AVERAGE CAPITAL COST PER NEW LUE =		$ 750				
INTERCEPTORS								
EXISTING FACILITIES		mgd						
Menger Creek Sewer	$ 531,925	1.7	1,723					
South Sewer - Boeme South	$ 313,344	0.5	505					
Misc. Main Sewers	$ 2,164,218	7.2	7,410					
Menger to WWTP Gravity Pipeline	$ 1,130,000	3.5	3,590					
Browns to WWTP Gravity Pipeline	$ 2,620,000	5.1	5,231					
Brown's Creek - North of Highway 46 area (Oversizing)	$ 80,000	2.0	2,051					
Menger Springs Oversizing	$ 49,691	1.3	1,374					
Fabra Interceptor	$ 227,296	1.0	1,026					
Kendall Creek Estates	$ 39,275	0.8	841					
Subtotal Existing Facilities	$ 7,155,749	23.2	23,751	$ 301	6,447	1,822	15,482	23,751
FUTURE FACILITIES								
School Lift Station Transmission Pipeline Upgrade	$ 1,560,000	0.8	821					
Future Oversizing	$ 50,000	1.0	1,026					
Cibolo Creek Extension	$ 1,628,000		-					
North Cibolo (Phase 2) - Oversizing	$ 1,020,000	1.0	1,026					
Old San Antonio Road Extension	$ 200,000	0.4	461					
Sugg's Creek Oversizing	$ 1,273,000	2.0	2,051					
Subtotal Future Facilities	$ 5,731,000	5.2	5,384	$ 1,065		3,304		
TOTAL INTERCEPTORS	$12,886,749	28.4	29,134		6,447	5,126	15,482	27,055
		AVERAGE CAPITAL COST PER NEW LUE =		$ 793				
Existing	$39,289,549							
Future	$22,917,000							
Total	$62,206,549							
		AVERAGE CAPITAL COST PER NEW LUE =		$ 4,802				