



# City of Pflugerville

## Legislation Details (With Text)

|                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                      |               |              |                                   |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|---------------|--------------|-----------------------------------|
| <b>File #:</b>       | ORD-0551                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Version:</b>      | 3             | <b>Name:</b> | Roadway Impact Fee Ordinance 2020 |
| <b>Type:</b>         | Ordinance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>Status:</b>       | Approved      |              |                                   |
| <b>File created:</b> | 10/15/2020                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>In control:</b>   | Planning Dept |              |                                   |
| <b>On agenda:</b>    | 11/24/2020                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Final action:</b> |               |              |                                   |
| <b>Title:</b>        | Approving an ordinance on second reading with the caption reading: An ordinance of the City of Pflugerville, Texas, Adopting the cities roadway impact fees; Amending the City's Code of Ordinances Chapter 152 Impact Fees to include Roadway Impact Fees per service unit; Establishing procedures for the assessment, collection, computation, expenditure, refund and general administration of Roadway Impact Fees; Providing for the establishment of accounts for Roadway Impact Fees; Replacing all ordinances in conflict; Containing severability and repealer clauses; and providing for an effective date. |                      |               |              |                                   |

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Ordinance, 2. Exhibit A - Roadway Impact Fee Study, 3. Exhibit B - Ch. 152, Subchapter B: Roadway Impact Fees, 4. Presentation

| Date       | Ver. | Action By    | Action                                   | Result |
|------------|------|--------------|------------------------------------------|--------|
| 11/24/2020 | 3    | City Council | Approved on Second Reading               | Pass   |
| 11/10/2020 | 2    | City Council | Approved on First Reading                | Pass   |
| 10/27/2020 | 1    | City Council | Action taken to close the Public Hearing | Pass   |

Approving an ordinance on second reading with the caption reading: An ordinance of the City of Pflugerville, Texas, Adopting the cities roadway impact fees; Amending the City's Code of Ordinances Chapter 152 Impact Fees to include Roadway Impact Fees per service unit; Establishing procedures for the assessment, collection, computation, expenditure, refund and general administration of Roadway Impact Fees; Providing for the establishment of accounts for Roadway Impact Fees; Replacing all ordinances in conflict; Containing severability and repealer clauses; and providing for an effective date.

In March, City Council authorized staff to begin a Roadway Impact Fee Study. Kimley-Horn and Associates, our consultant for the Transportation Master Plan, is our consultant on this project. This Roadway Impact Fee Study is an analysis necessary for the city in order to consider impact fees related to roadways and determines the maximum fee rates allowable in Pflugerville under state law. Impact fees are funds collected within a service area to pay for roadway improvements that contribute to the capacity of the roadway system.

Unlike water and wastewater impact fees, which can include a service area that is city wide and includes the ETJ, roadway service areas are limited to a six mile trip length and are contained within the corporate city limits.

Roadway Impact Fees are determined based on land use, growth, and capital improvements of each of the identified service areas. As approved in May by Council, Pflugerville is divided into three service areas that meet the provisions required by state law for impact fees. Service area A, includes

generally the area located north and west of the intersection of Pflugerville Parkway and SH130. Service Area B is generally the area south and west of the intersection of Pflugerville Parkway and SH130. Service Area C includes area within the city limits east of SH130.

The Roadway Impact Fee Study established a maximum rate that could be collected per service area and would be applicable to new development or redevelopment that generates an increase in trips from existing uses. Those rates are as follows:

Service Area A: Maximum Assessable Fee per Vehicle Mile = \$1,590

Service Area B: Maximum Assessable Fee per Vehicle Mile = \$2,916

Service Area C: Maximum Assessable Fee per Vehicle Mile = \$3,156

The proposed ordinance, as recommended by the Capital Improvement Advisory Committee (CIAC), would set a flat collection rate for residential uses in all service areas with a phased in approach of collection at 75% of the maximum in Service Area A (\$1,192) the first year of collection and 100% the following years until a study update is required within 5 years. A collection rate of 50% of the specified maximum rate in each service area was recommended by CIAC for all non-residential uses. The CIAC also recommended, with an effective date of January 1, 2021 with a grace period covering all properties until January 1, 2022 (state law requires, at a minimum, all properties platted prior to an ordinance effective date have a 1 year grace prior to obtain building permits without a fee being collected).

As discussed with Council on October 27th, the ordinance has an effective date of January 1, 2021. Based on Council feedback the ordinance has been updated to implement collection of fees at building permit beginning January 1, 2022 for properties platted before March 1, 2021 and collection of fees at building permit beginning March 1, 2021 for properties with final plat approval on or after March 1, 2021. This meets the required grace period established by state law for properties already platted while also allowing for a limited two-month period for properties that have not yet been platted to plat and have a grace period for building permits prior to January 1, 2022. The tiered fee structure and amounts have not been changed from what was discussed with Council on October 27th.

The roadway impact fee study must be updated every five years per state law, however, components of the ordinance, such as collection rates, may be revisited at anytime without an update to the study as long as the fees assessed do not exceed the maximums allowed in each service area as defined by the study.

### **Capital Improvement Advisory Committee (CIAC) Action**

On May 4, 2020, the CIAC recommended approval of Service Area - Option 1 and asked that consideration be given to moving the eastern boundary of Service Area B be the future extension of Pfennig Lane.

On July 6, 2020, the CIAC discussed the various assumptions related to the Roadway Impact Fee Study.

On August 3, 2020, the CIAC acted to recommend the study assumptions.

On October 5, 2020, the CIAC acted to recommend an effective date for the roadway impact fee as well as the rates for all land uses.

### **Prior City Council Action**

On February 25, 2020, City Council approved the supplement to the Transportation Master Plan professional engineering services to prepare a Roadway Impact Fee Study.

On May 12, 2020, City Council approved the Service Area - Option 1 for use in the Roadway Impact Fee Study.

On July 28, 2020, City Council discussed the land use and growth assumptions related to the Roadway Impact Fee Study.

On August 11, 2020, City Council passed a resolution setting the date for the first public hearing to occur on September 22, 2020.

On February 25, 2020, City Council approved the supplement to the Transportation Master Plan professional engineering services to prepare a Roadway Impact Fee Study.

On May 12, 2020, City Council approved the Service Area - Option 1 for use in the Roadway Impact Fee Study.

On July 28, 2020, City Council discussed the land use and growth assumptions related to the Roadway Impact Fee Study.

On August 11, 2020, City Council passed a resolution setting the date for the first public hearing to occur on September 22, 2020.

On September 22, 2020, City Council held a public hearing and approved the land uses and capital improvement plan related to the Roadway Impact Fee Study.

On September 22, 2020, City Council passed a resolution setting the date for the second public hearing to occur on October 27, 2020 regarding the imposition of roadway impact fees on new development.

On October 13, 2020, City Council discussed the imposition of the impact fee and the upcoming public hearing.

On October 27, 2020, City Council conducted and closed the public hearing on this item.

On November 10, 2020, City Council approved the ordinance on first reading with a vote of 4 to 3.

### **Deadline for City Council Action**

Action on this item is requested on November 24, 2020 in order to meet the provisions of state law. If final action is not taken within 30 days of the public hearing, which occurred on October 27th, the public hearing and ordinance reading process will be required to start over. Any modifications to the ordinance at the time of 2nd Reading will require a 3rd Reading at a subsequent City Council meeting.

**Funding Expected:** Revenue \_\_\_ Expenditure \_\_\_ N/A ☒ This is a component of a the Roadway Impact Fee Study and is included in the existing scope.

**Budgeted Item:** Yes ☒ No \_\_\_ N/A \_\_\_

**Amount:** \$85,000 (cost of Roadway Impact Fee Study)

**1295 Form Required?** Yes ☒ No \_\_\_

**Legal Review Required:** N/A ☒ Required \_\_\_ Date Completed: October 19, 2020

### **Supporting documents attached:**

Ordinance

Exhibit A - Roadway Impact Fee Study

Exhibit B - Chapter 152, Subchapter B

Presentation

### **Recommended Action**

Approve the ordinance on 2nd Reading as presented.