

AN ORDINANCE

99290

ESTABLISHING A "NOTICE OF PUBLIC HEARING ON ADOPTION OF IMPACT FEES" TO BE HELD ON JULY 22, 2004, AT THE CITY COUNCIL CHAMBERS LOCATED ON THE FIRST FLOOR OF THE MUNICIPAL PLAZA BUILDING AT 114 WEST COMMERCE STREET AT 3:00 P.M., TO CONSIDER THE ADOPTION OF THE FOLLOWING WASTEWATER IMPACT FEES FOR THE FAR WEST AREA: \$1,738.00 PER SERVICE UNIT FOR THE MEDIO CREEK WATER SHED, \$1,972.00 PER SERVICE UNIT FOR THE POTRANCA CREEK WATER SHED AND \$1,929.00 PER SERVICE UNIT FOR THE BIG SOUS AND LUCAS CREEK WATER SHEDS; AND NOTIFYING THE PUBLIC THAT ANY MEMBER HAS THE RIGHT TO APPEAR AND PRESENT EVIDENCE FOR OR AGAINST THE PLAN OR PROPOSED FEE.

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WHEREAS, impact fees imposed by the San Antonio Water System (SAWS) with the City Council's approval are a one-time charge assessed on new development to help recover capital costs associated with providing the infrastructure and other required improvements to provide water and/or sewer service to that new development, thereby relieving existing SAWS ratepayers from substantially funding capital costs associated with providing service to new development; and

WHEREAS, Chapter 395 of the Local Government Code establishes the requirements and process that must be followed if a municipality is to assess and collect impact fees, including: the establishment of a Capital Improvements Advisory Committee to advise on the development and implementation of impact fees; the development a Land Use Assumptions Plan that forecasts demand within the service area for a ten-year planning period; an analysis of existing capacity of water and wastewater systems; and the preparation of a capital improvements plan that determines the infrastructure necessary to serve the projected demand; and

WHEREAS, a group of developers who are interested in developing an area known as the Far West area approached SAWS (collectively referred to as the Parties,) regarding the inadequacy of the wastewater infrastructure in the area to accommodate growth; and

WHEREAS, the Far West area is generally located west of Loop 410 to the county line, and south of Highway 151 to the area around Highway 90, and is depicted on the map affixed to this Ordinance as Attachment A; and

WHEREAS, the Parties have developed a plan for the area that would best serve SAWS, the property owners and future development which may include the creation of special impacts fees

for the Far West area which either the subject developers or customers must pay in order to fund construction of the required infrastructure and earn credits against the payment of impact fees; and

WHEREAS, SAWS staff worked with the development community, school districts, City of San Antonio, engineers, and other organizations to develop the Land Use Assumptions Plan, which projects wastewater demand growth for the entire county and focuses on the Far West area; and

WHEREAS, research indicates that growth throughout the SAWS service area will occur at the historical rate of about 2% per year and that growth is anticipated to be about 6% per year in the Far West area; and

WHEREAS, using the growth projected in the Land Use Assumptions Plan, SAWS staff, with assistance from developers and engineers, developed a Capital Improvements Plan that identifies the necessary infrastructure required to serve the new demand which includes a series of trunk lines, lift stations, force mains, and improvements to the Medio Creek Water Recycling Center, at an estimated total cost of \$47.9 million; and

WHEREAS, the Land Use Assumptions and Capital Improvements Plans were developed and calculated in accordance with Chapter 395 of the Local Government Code, and approved by the City Council on June 3, 2004, after the recommendation for approval by the Capital Improvement Advisory Committee, the San Antonio Water System Board of Trustees, and the Planning Commission; and

WHEREAS, the pursuant to Chapter 395 of the Local Government Code, a notice of a public hearing to consider the approval of possible impact fees must be published in a newspaper of general circulation at least 30 days before the public hearing; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. A "Notice Of Public Hearing On Adoption of Impact Fees" to be held on July 22, 2004, at the City Council Chambers located on the First Floor of the Municipal Plaza Building at 114 West Commerce Street at 3:00 p.m., to consider the adoption of the following Wastewater Impact Fees for the Far West area: \$1,738.00 per service unit for the Medio Creek Water Shed, \$1,972.00 per service unit for the Potranca Creek Water Shed and \$1,929.00 per service unit for the Big Saus and Lucas Creek Water Sheds is hereby approved. In addition to the above information, the notice shall include a statement that any member of the public has the right to appear at the hearing and present evidence for or against the Adoption of Impact Fees for the Far West Area. This notice shall be published in the San Antonio Express News on or before Monday, June 21, 2004. Copies of those plans, including, the impact fees, are attached hereto and incorporated herein as Attachment B.

KAM
06/03/04
Item no. 6B

SECTION 2. This Ordinance shall become effective on the tenth (10th) day after the date of passage hereof.

PASSED AND APPROVED this 3rd day of June, 2004.

ATTEST: *Julia L. Ledson*
City Clerk


MAYOR
EDWARD D. GARZA

APPROVED: *M. Zetruche*
for City Attorney