



**TOWN OF SHADY SHORES  
CAPITAL IMPROVEMENTS COMMITTEE  
SPECIAL CALLED SESSION  
OCTOBER 11, 2018; 7:00 PM  
SHADY SHORES COMMUNITY CENTER  
101 S. SHADY SHORES ROAD  
SHADY SHORES, TX 76208**

AGENDA

1. CALL TO ORDER
2. ROLL CALL  
Establish a Quorum
3. WORKSESSION  
Conduct a worksession to discuss land use assumptions on land use, zoning, population, density service areas, growth patterns, and build out and related matters to lawful impact fees.

Documents:

[DRAFT REPORT OF THE CAPITAL IMPROVEMENT ADVISORY COMMITTEE \(AUTOSAVED\).PDF](#)  
[IMPACT FEE PUBLIC HEARING REQUIREMENTS.PDF](#)  
[IMPACT FEE TIMELINE-SUMMARY-EARLY DRAFT1 \(002\).PDF](#)

4. ACTION REGARDING WORKSESSION  
Consider and take appropriate action on worksession discussion items.
5. FUTURE AGENDA ITEMS
6. ADJOURN

I Wendy Withers, Town Secretary of the Town of Shady Shores, do hereby certify that the above notice of the Capital Improvements Committee was posted on the bulletin board at the Shady Shores Community Center, 101 S. Shady Shores Road, Shady Shores, Texas on the \_\_\_\_\_ day of \_\_\_\_\_, 2018 \_\_\_\_\_.

Approved:

\_\_\_\_\_  
Wendy Withers, Town Secretary

IN ADDITION A QUORUM OF CITY COUNCIL MEMBERS MAY CHOOSE TO ATTEND THE

CAPITAL IMPROVEMENTS COMMITTEE MEETING POSTED ABOVE. THEREFORE THIS IS NOTICE OF A CITY COUNCIL MEETING AT THE SAME TIME AND PLACE, WITH THE SAME AGENDA AS THE CAPITAL IMPROVEMENTS COMMITTEE MEETING. IN THE EVENT A QUORUM OF COUNCIL IS PRESENT AT THE MEETING, NO ACTION OF THE COUNCIL WILL BE TAKEN. THIS NOTICE IS POSTED AT THE TIME STATED ABOVE.

**1THE LAND USE ASSUMPTIONS REPORT OF THE CAPITAL  
IMPROVEMENTS ADVISORY COMMITTEE OF THE TOWN OF SHADY  
SHORES.**

The Capital Improvements Advisory Committee (the “Committee”) was appointed by the Town of Shady Shores Town Council to review the subjects identified below and render an opinion on the land use assumptions necessary for the Town to create and adopt lawful impact fees for the Town of Shady Shores public water system. The Committee has reviewed the Comprehensive Plan, the land use data, the current development within Shady Shores, the current zoning within Shady Shores, the Comprehensive Plan for the Town of Shady Shores and its ETJ, the master thoroughfare plan, and the existing water (and sewer) plans for future growth and development. The Committee's report on the Land Use Assumptions required by Texas Local Government Code with relation to the Committee's work on impact fee research is as follows:

**I.**

*Analysis of existing conditions – population, density, zoning classifications, and other land use analyses:*

Each member of the Committee is personally familiar with the existing development within the Town of Shady Shores, and has reviewed the areas not yet developed. Each member of the Committee has been advised of the population, the existing zoning, and the comprehensive plan for the Town, with regard to zoning and density planned for the undeveloped areas of Shady Shores, and it’s ETJ.

**II.**

*Determination of service area:*

The Town Council's charge to the Committee was to determine capital improvements needed and necessary for future development. The Committee has reviewed the requirements to exclude the provisions and related costs to current development, and has concentrated on the capital improvements necessary to serve future development based on the existing conditions noted in (i) above, and the anticipated use of the comprehensive plan and related development plans of the Town, all as required by the Texas Local Government Code. The service area for a water impact fee would be the entire Town and its ETJ with respect to new development in any portion of the Town or its ETJ.

**III.**

*Projection of 10-year growth patterns – involves a review of land use data, zoning classifications, density calculations, projected growth, population trends, employment projects, and the like:*

Based on the review of the factors set forth in I. and II. above, the Committee projects the 10 year growth patterns as they relate to water system capital improvements

are as set forth on the attached Exhibit A. The Committee's findings are based on the following:

Density calculations: The Committee agrees with the Comprehensive Plan of Shady Shores with regard to the future development of Shady Shores and its ETJ. Consequently for those areas zoned SF-Single Family, the Committee has projected single family residential units on lots of not less than 2 acres, with 3 residents per household. For those areas zoned or projected to be zoned SFT, Single Family Transitional, the Committee anticipates 1 acre minimum lots, with a 1.5 acre average size of lots in the subdivision. The population estimate for SFT is also 3 residents per unit. Additional zoning categories such as Special Activities, Agricultural and Manufactured Housing, and non-conforming uses, were all considered in the analysis.

#### IV.

***“Build-out” growth projections – based on the holding capaTown of the land area of the Town, anticipated land use types, densities, and ultimate populations:***

The current number of residents and population within Shady Shores and its anticipated growth patterns over the next 10 years are as set forth in Exhibit A. The projections shown on Exhibit A provides Shady Shores's ultimate build-out growth projections, including existing development within Shady Shores, anticipated future development on currently undeveloped land within Shady Shores, and development in the extra-territorial jurisdiction (ETJ).

**EXHIBIT A**

**Land Uses Assumptions**

|                           | <u>2018</u> | <u>2023</u> | <u>2028</u> | <u>Buildout</u> |
|---------------------------|-------------|-------------|-------------|-----------------|
| Homes                     | - SF        |             |             |                 |
|                           | - SFT       |             |             |                 |
| Manufactured<br>Housing-- |             |             |             |                 |
| Commercial--              |             |             |             |                 |
| Public--                  | <hr/>       |             |             |                 |
| Totals - -                |             |             |             |                 |
| Population--              |             |             |             |                 |

***1. City council adopts a resolution setting a public hearing date on both the land use assumptions, and the capital improvement plan.***

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.

***2. The items listed below must be available (as in on the website) prior to the first published notice of the public hearing.***

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.

***3. Notice of the public hearing goes by certified mail to any person or entity who has requested such notice, in writing, in the last two years.***

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.

***4. One published notice in the DMN more than 30 days before the date the hearing is to occur. The notice must include the facts in bold, in (c), below:***

(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.**

Public hearing requirements for impact fee adoption  
*My comments are numbered, bolded, and in italics. JES*

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.

***5. The council must vote on the adoption of the impact fees within 30 days of the public hearing. This could be the same night as the public hearing, or a future meeting.***

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.



**IMPLEMENTATION**  
**TASKS AND TIMELINE DRAFT**

**APRIL 5, 2016--Capital Improvements Advisory Committee  
CITY COUNCIL- APPOINT COMMITTEE-INCLUDING ETJ REP—**

**APRIL 17, 28, MAY 12, 26, June 6  
Land Use Assumptions-ADVISORY COMMITTEE  
ONE MEETING EVERY TWO WEEKS OF THE COMMITTEE ON EACH OF  
THE FOUR STEPS OF (i) thru (iv)---below:**

The types of analyses undertaken may include the following:

- (i) analysis of existing conditions – population, density, zoning classifications, and other land use analyses;
- (ii) determination of service area – for water facilities, this is usually the entire city and its ETJ;
- (iii) projection of 10-year growth patterns – involves a review of land use data, zoning classifications, density calculations, projected growth, population trends, employment projects, and the like;
- (iv) **“build-out”** growth projections – based on the holding capacity of the land area of the city, anticipated land use types, densities, and ultimate populations.

**June 6, 2016---The committee provides land use assumptions to City engineer, so he may prepare the capital improvements plan.**

**June 6---August 6, 2016--Capital Improvements Plan—60 days**

**August 11, 2016---Public hearing on land use assumptions and capital improvements plan**

**August 16, 2016-- City council must approve, or disapprove, the land use assumptions and the capital improvements plans within 30 days of the public hearing. A resolution must also be passed to set a hearing on imposition of an impact fee.**

August 17, 2016--Send and publish 30 day notice of public hearing on impact fee

September. 6, 2016--Council review of draft of impact fee ordinance

September 14, 2016----Last day for Advisory Committee to file written comments on the impact fees proposed at the public hearing

September 20, 2016--Hearing on impact fee

October 4, 2016---Council vote on approval or denial of water impact fee

#### **TIMELINE AND TASKS FOR IMPACT FEE ADOPTION**

**THE TASKS ABOVE ARE TAKEN FROM THE “NUTS AND BOLTS” PAPER PREPARED IN NOVEMBER OF 2015. THE ESTIMATED TIMES FOR EACH TASK ARE HEAVILY DEPENDENT ON MEETING SCHEDULES, AND THE EXTENT OF EXISTING REQUIRED INFORMATION FOR THE LAND USE ASSUMPTIONS. THE TIME PERIODS BELOW ARE ESTIMATES OF WEEKS OR MEETINGS NECESSARY TO ACHIEVE EACH STEP. THE ATTACHED COPY OF THE NUTS AND BOLTS PAPER HAS THE IMPLEMENTATION PROCESS.**

#### **ASSUMPTIONS MADE ARE:**

- 1. P&Z WOULD BE APPOINTED AS THE CAPITAL IMPROVEMENTS ADVISORY COMMITTEE (THE “COMMITTEE”), THAT IT WOULD MEET NO LESS THAN TWICE A MONTH.**
- 2. STAFF AND THE CITY ENGINEER CAN PROVIDE EXISTING REQUIRED INFORMATION TO THE COMMITTEE QUICKLY, AND REQUIRED INFORMATION NOT CURRENTLY AVAILABLE CAN BE DEVELOPED IN A REASONABLE PERIOD OF TIME TO ALLOW THE LAND USE ASSUMPTIONS TO BE COMPLETED. FOR EXAMPLE, DO WE KNOW HOW MANY ACRES IN THE ETJ ARE UNDEVELOPED, AND WHAT THE LIKELY DEVELOPMENT IS?**
- 3. THE TIMELINE ESTIMATES ARE SHOWN BELOW AS WEEKS ESTIMATED FOR A SINGLE PURPOSE IMPACT FEE, SUCH AS ROADS. AND THE AGGREGATE TOTAL OF EACH STEP, ALL IN **BLUE INK**. THESE ARE VERY PRELIMINARY ESTIMATES, TO BE REVISED WHEN COUNCIL DECIDES ON WHAT TYPE OF FEES ARE TO BE DEFINED, AND THE CITY ENGINEER GIVES US AN ESTIMATE FOR THEIR WORK ON THE CAPITAL IMPROVEMENTS PLAN.**

