

ORDINANCE NO: 1225-05-20

AN ORDINANCE OF THE CITY OF HONDO AMENDING CHAPTER 8 OF THE UNIFIED DEVELOPMENT CODE TO ADD A STANDARD CALCULATION METHOD FOR WATER RIGHTS DEDICATION; INCORPORATING RECITALS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Hondo (“City”) is authorized to operate a water utility system and may require and receive compensation for the services furnished pursuant to Texas Local Government Code Chapter 552; and

WHEREAS, the City is authorized to regulate the subdivision of property pursuant to Texas Local Government Code Chapter 212; and

WHEREAS, pursuant to such statutory authority, the City of Hondo City Council (“City Council”) adopted the Unified Development Code on January 8, 2018, by Ordinance No. 1148-01-18 (“UDC”); and

WHEREAS, in accordance with UDC, Chapter 1, Section 1.6., City Staff has performed an annual review of the UDC and has made recommendations for certain revisions for consideration by Planning and Zoning Commission and City Council; and

WHEREAS, City Staff recommended revisions to the City’s existing Water Rights Dedication Policy, as set forth in the UDC, Chapter 8, Section 8.4.1, to provide a standardized method to calculate the required dedication, or the fee in lieu of dedication, and to specify when the calculation will be made and the transfer, or payment, must be made; and

WHEREAS, on the 4th day of May, 2020, after conducting a properly advertised public meeting, the Planning & Zoning Commission reviewed City Staff’s proposed revisions to the UDC and made recommendations regarding those changes; and

WHEREAS, on the 11th day of May, 2020, the City Council conducted a properly advertised public meeting regarding the proposed UDC revisions, and received and reviewed City Staff’s and Planning and Zoning Commission’s recommendations regarding the same.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HONDO, TEXAS THAT:

1. **Incorporation of Recitals.** The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.
2. **Amendments.**

The Unified Development Code, Chapter 8, Section 8.4.1., is hereby amended as specified in “Exhibit A”, attached hereto, which is incorporated by reference herein for all purposes.

City of Hondo's Water Rights Dedication Policy, "Exhibit B", which is attached hereto and incorporated by reference herein, is hereby adopted and established to set standardized policy regarding the process and method for calculation of water rights for dedication to the city in accordance with the requirements established by the Unified Development Code, Chapter 8, Section 8.4.1. The City Manager is hereby authorized to promulgate, edit, and periodically reissue the Water Rights Dedication Policy due to changes in City policy direction as well as updates to applicable metrics used in the Water Rights Calculation Equation.

3. **Repealing Ordinances in Conflict.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.
4. **Effective Date.** This ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance as the law in such cases provides.
5. **Open Meetings.** It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.
6. **Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance

PASSED AND APPROVED this 11th day of May, 2020.



James W. Danner, Sr.
Mayor

ATTEST:



Miguel Cantu
City Secretary

EXHIBIT A

AMENDMENT TO CHAPTER 8, SECTION 8.4.1., OF THE UNIFIED DEVELOPMENT CODE

The following section of the Unified Development Code (UDC) is amended as detailed below:

NOTE: Changes are indicated **in red** below. Underlined italic language indicates an addition of text to the UDC (i.e. *underlined italics*). Strikethrough italic language indicates a deletion of text from the UDC (i.e. *strikethrough italics*).

CHAPTER 8

Section 8.4.1 Adequate Public Facilities

...

d. Water. All habitable buildings and buildable lots shall be connected to a public water system capable of providing water for health and emergency purposes, including adequate fire protection.

i. All new development shall be required to acquire water rights sufficient to meet the projected demand of water customers within the proposed development. These rights shall be transferred to the City of Hondo upon subdivision approval and acceptance of infrastructure prior to final plat approval in accordance with the following requirements:

- a. The calculation method and process for water rights dedication and transfer shall be in accordance with the City of Hondo's Water Rights Dedication Policy.
- b. No water rights (or alternatively, no water rights fee in lieu of dedication) shall be collected from applicants which are developing land through minor plat if the projected water usage by the development is expected to be equal to or less than the water usage of a single ¾-inch water meter per lot.
- c. Developments for which water rights have already been dedicated, or fee in lieu of dedication has previously been paid, shall not require additional dedication unless the projected usage of the new development results in an increased demand, in which case the applicant will be required to dedicate (or pay a fee in lieu of dedication) for the increased amount (new projected dedication amount minus any previous dedication or payment).
- d. At the time of the pre-application meeting, the developer shall provide sufficient information and data regarding the proposed subdivision to demonstrate the expected impact on and use of public facilities and services by possible uses of said subdivision. This information shall include projected water demand, projected number and size of water taps and services, and other pertinent information as required.
- e. The Development Officer shall determine the quantity of water rights which will constitute water rights sufficient to meet the projected demand of water customers within the proposed development utilizing the following calculation method:

$$\text{Acre-Feet per LUE} = ((\text{GPCD} \times \text{PPH} \times 365) / \text{Gallons per Acre Foot})$$

- GPCD: Gallons Per Capita Per Day

- LUE: Living Unit Equivalent based on AWWA Equivalencies in relation to 5/8" X 3/4" Meter (See Table in Water Rights Dedication Policy)
- PPH: Persons per Household (average)
- Acre Foot: 325,851 gallons

- f. If the developer wishes to utilize an alternate calculation in determining ample water supply for the development, the request must be submitted in writing to the Development Officer and must be substantiated by a signed and sealed letter from an engineer detailing the alternate calculation method. The approval or denial of the use of the alternate method shall be at the discretion of the City Manager upon consultation with the City Council.
- g. Once the amount of water to be dedicated is determined, and the dedication documents have been prepared, prior to approval of the final plat, the developer shall submit the dedication documents to the City. The documents shall be reviewed by the City Attorney (applicable review fees may apply). When the documents are approved, they shall be accepted by the City in writing. The executed documents shall be filed in the office of the Medina County Clerk in the land records. The developer shall pay all applicable filing fees. Once the approved and accepted documents have been filed at the County office, the water rights will be considered transferred. Once water rights are dedicated (or a fee in lieu of dedication is accepted by the City) there shall be no refunds to the applicant of said dedication or fee amount, even if the projected demand is reduced in the future.
- h. If the applicant wishes to pay an equivalent fee in lieu of water rights dedication (equivalent dollar amount as determined by the City), the applicant must request that option at the time of preliminary plat. Such fee in lieu of water rights may be approved by the City Manager upon consult with the City Council. The fee must be based on upon the market price per acre foot plus any projected consultant or legal fees which may be incurred in the future purchase of water rights by the City. The payment of the fee in lieu of dedication, if approved by the City Manager, must be made to the City prior to approval of the Final Plat.
- i. An initial Water Rights Policy is adopted to provide more details on the calculation of the quantity of water rights required to be transferred to the City and other implementation details. The City Manager is authorized to revise and supplement the Water Rights Policy from time to time in order to address details regarding the implementation of the requirements of this section.

EXHIBIT B

WATER RIGHTS DEDICATION POLICY

(continued on following pages)

WATER RIGHTS DEDICATION POLICY



Overview

The following policy describes the process for dedication of water rights as regulated by the City of Hondo's Unified Development Code (UDC), Chapter 8, Section 8.4.1(d).

This policy may be updated from time to time due to changes in City policy direction as well as updates to applicable metrics used in the Water Rights Calculation Equation at the discretion of the City Manager upon consultation with the City Council.

Exemptions

No water rights (or alternatively, no water rights fee in lieu of dedication) shall be collected from applicants which are developing land through minor plat if the projected water usage by the development is expected to be equal to or less than the water usage of a single $\frac{3}{4}$ -inch water meter per lot.

Also, developments for which water rights have already been dedicated, or fee in lieu of dedication has previously been paid, shall not require additional dedication unless the projected usage of the new development results in an increased demand, in which case the applicant will be required to dedicate (or pay a fee in lieu of dedication) for the increased amount (new projected dedication amount minus any previous dedication or payment).

Pre-Application Meeting

At the time of the pre-application meeting, as required by UDC, Chapter 3, the developer shall provide sufficient information and data regarding the proposed subdivision to demonstrate the expected impact on and use of public facilities and services by possible uses of said subdivision in accordance with UDC 8.4.1(c). This information shall include projected water demand, projected number and size of water taps and services, and other pertinent information.

Water Rights Calculation

The Development Officer shall determine the quantity of water rights which will constitute water rights sufficient to meet the projected demand of water customers within the proposed development utilizing the following calculation method:

$$\text{Acre-Feet per LUE} = ((\text{GPCD} \times \text{PPH} \times 365) / \text{Gallons per Acre Foot})$$

$$0.597 \text{ ac.ft. per LUE} = ((166 \times 3.21 \times 365) / 325,851)$$

- *GPCD (Gallons Per Capita Per Day)*
166 Gallons (Per City of Hondo's 2019 Texas Water Development Board Water Audit Report: Total GPCD (192) - Water Loss GPCD (26))
- *LUE (Living Unit Equivalent)*
Based on AWWA Equivalencies in relation to 5/8" X 3/4" Meter (See Table)
- *PPH (Persons per Household)*
3.21 Persons per Household in Hondo (US Census Bureau estimate 7/1/2019)
- *Acre Foot*
325,851 gallons per ac.ft.

AWWA Meter Equivalencies			
Meter Type	Meter Size	Continuous Duty Maximum Rate (gpm)	Ratio to 5/8" Meter (LUE Equivalency)
Simple	5/8" x 3/4"	10	1.000
Simple	3/4"	15	1.500
Simple	1"	25	2.500
Simple	1 1/2"	50	5.000
Simple	2"	80	8.000
Compound	2"	80	8.000
Turbine	2"	100	10.000
Compound	3"	160	16.000
Turbine	3"	240	24.000
Compound	4"	250	25.000
Turbine	4"	420	42.000
Compound	6"	500	50.000
Turbine	6"	920	92.000
Compound	8"	800	80.000
Turbine	8"	1600	160.000
Compound	10"	1150	115.000
Turbine	10"	2500	250.000
Turbine	12"	3300	330.000

If the developer wishes to utilize an alternate calculation in determining ample water supply for the development, the request must be submitted in writing to the Development Officer and must be substantiated by a signed and sealed letter from an engineer detailing the alternate calculation method. The approval or denial of the use of the alternate method shall be at the discretion of the City Manager upon consultation with the City Council.

Gather Dedication Documents

The following documents are required to be submitted for water rights transfer to the City:

1. Water Warranty Deed, Bill of Sale, and Assignment of Permit Rights: Transfer of EAA Permit Water Rights
2. Edwards Aquifer Authority Water Rights Permit Document (Unrestricted Groundwater Rights)
3. Edwards Aquifer Authority Application to Transfer-Sale
4. Water Rights Title Insurance (or some alternative confirmation of title deemed satisfactory to the city's legal counsel)

For more information regarding these documents, please contact the Edwards Aquifer Authority or your Attorney.

Dedication

Once the amount of water to be dedicated is determined, and the dedication documents have been prepared, prior to approval of the final plat, the developer shall submit the dedication documents to the City. The documents shall be reviewed by the City Attorney (applicable review fees may apply). When the documents are approved, they shall be accepted by the City in writing. The executed documents shall be filed in the office of the Medina County Clerk in the land records. The developer shall pay all applicable filing fees. Once the approved and accepted documents have been filed at the County office, the water rights will be considered transferred. Once water rights are dedicated (or a fee in lieu of dedication is accepted by the City) there shall be no refunds to the applicant of said dedication or fee amount, even if the projected demand is reduced in the future.

Fee in Lieu of Dedication

If the applicant wishes to pay an equivalent fee in lieu of water rights dedication (equivalent dollar amount as determined by the City), the applicant must request that option at the time of preliminary plat. Such fee in lieu of water rights may be approved by the City Manager upon consult with the City Council. The fee must be based on the market price per acre foot (as determined by the City) plus an amount for projected consultant or legal fees which may be incurred in the future purchase of water rights by the City. The payment of the fee in lieu of dedication, if approved by the City Manager, must be made to the City prior to approval of the Final Plat.

Additional Requirement for Non-Residential Plats

If the actual usage of water (based on the actual water meter sizes utilized during construction) within a non-residential plat is greater than the projected usage calculated when the plat was approved (based on the projected water meter sizes at time of platting), the developer, or other owner or owners of the tract, shall transfer additional water rights to the City based on the calculation of the increased usage. This additional dedication (or additional fee in lieu of dedication) shall take place prior to installation of such additional services. Once water rights are dedicated (or a fee in lieu of dedication is accepted by the City) there shall be no refunds to the applicant of said dedication or fee amount, even if the projected demand is reduced in the future.