

# CITY OF HORSESHOE BAY

## DEVELOPMENT POLICY

### Introduction

Property owners or developers of undeveloped tracts of land, where water and wastewater facilities are not available, upon initiating preliminary plans to either subdivide or otherwise build residential and/or commercial structures on their land, shall contact the City of Horseshoe Bay Development Services Manager to obtain a copy of the Development Policy and discuss the requirements and policies of the City. All zoning, subdivision planning and platting applications must be in accordance with the policies and procedures of the City of Horseshoe Bay. The costs for all expenses related to all stages of reviews shall be borne by the developer.

### Stages of Project Review

#### Stage 1 - Initial Project Review

No reimbursements shall be made for engineering and legal costs of the developer.

A. Upon submission of a request by an owner, developer, or developer's representative, for Design Review Committee (DRC) consideration of Stage 1 (Initial Project Review), the developer or developer's representative shall submit a deposit in one of the following amounts, depending on the size of the proposed development:

<u>Development Size</u>	<u>Amount of Deposit</u>
0.1 - 5 acres	\$2,000.00
5.1 - 10 acres	\$2,500.00
10.1 - 15 acres	\$3,500.00
15.1 - 20 acres	\$4,500.00
over 20 acres	\$6,000.00

B. This deposit shall be utilized for payment of the City's consulting engineer's charges for engineering services and for any services provided by a legal consultant or other consultant for work related to the all review stages of the project. Charges will also be assessed for City of Horseshoe Bay employees' work related to the development, at the standard hourly rate for each staff person involved, plus fifteen percent (15%) overhead fees. Any deposit remaining after all charges have been rendered and paid from the deposit by the City of Horseshoe Bay will be returned to the owner, developer or developer's representative. Any charges that are in excess of the deposit will be billed during the Stage 4 process and collected prior to initiation of Stage 5.

C. Each development project shall be initially reviewed and information provided to the owner/developer regarding all City requirements for the project to be permitted, including but not limited to, subdivision platting, replatting, rezoning, Planned Development Ordinance (PD), development agreement, variance request, conditional use permits (CUP), and/or Zoning

Ordinance amendment. The City's DRC shall review each project's initial review information package which shall include, but not be limited to:

- Name of owner/developer, name of developer's representative, address(es) and telephone number(s).
- Name of architectural/engineering firm, architect/engineer, address and telephone number.
- General description of the development and its location within the City.

**D.** A map or drawing showing location of project, with:

- Number and size of lots
- Type of project (single-family, multi-family, office, commercial, mixed use)
- Easements required
- General layout and size of water mains to be installed
- General layout and size of existing water system facilities

**E.** Maximum and average water demands:

- Number of LUEs
- Fire flow requirements

**F.** Letter of findings from the Utilities Director, which shall include:

- Compatibility statement - relating to the comparison of the development with the policies of the City and a list of all required city approvals,
- Capacity statement - relating to the demands of the project and the effect upon the existing City customers and City services,
- Oversizing statement - relating to the necessity for any facilities oversizing to be completed by the developer, and
- Concluding statement - relating to the Utilities Director's findings concerning the proposed development.

**G.** Each project shall be considered in the order received, and a project number shall be issued to each project.

**H.** After reviewing the Initial Review materials and considering any additional oral representations or other information concerning a project, the DRC may: (a) vote to approve the pre-design of the project and allow the project to proceed to Stage 2; (b) vote to table approval of the feasibility of the project until further information is provided by the developer or City staff to answer material concerns raised by the Committee; or (c) vote to conditionally approve the Pre-Project Review subject to such changes, additions, and modifications to the project including but not limited to, oral and written representations about the project made by the developer at the Committee meeting, which the DRC deems material to the City's ability to meet its obligations to the project.

**I.** Projects which require modifications may be reconsidered by the DRC upon a significant change of facts pertaining to the project. A new set of Initial Review materials must be submitted to the Development Services Manager for those projects to be reconsidered by the Committee. Initial submittals or reconsideration submittals of Initial Review materials shall be submitted to the Development Services Manager at least ten (10) days prior to the date of the Committee meeting in which the materials will be considered by the DRC.

**J.** If the DRC votes to approve or conditionally approve a project, the project may advance to Stage 2 of the development process.

### **Stage 2 – Platting, Rezoning, Variances, CUPs and Utility Plans**

**A.** If a plat, replat, rezoning, Planned Development Ordinance, variance, or CUP is required, the developer/owner shall discuss the requirements for public hearing notification, City processing of requests, and materials to be submitted with the Development Services Manager. All plats and replats shall be made by a registered professional engineer or licensed land surveyor from an actual survey of the property, and shall comply with all requirements of the Subdivision Plat and Replat applications and checklists. All rezoning requests and text amendments shall comply with all requirements of the Zoning Ordinance Amendment application and checklist.

**B.** Three (3) copies of water system plans (water mains, service lines and meters, fire hydrants, and all other water system facilities), wastewater facilities plans, and street plans shall be submitted to the Utilities Director, and shall be reviewed by the City's engineer and Utilities Director to ensure their compliance with the policies and standards of the City.

**C.** All required approvals by the City Council, Board of Adjustment, and Utilities Director shall be obtained, and all required filings of final plats for recording and construction bonds/letters of credit shall be completed prior to the project being able to go to Stage 3.

**D.** Upon successful completion of all requirements of this Stage, including payment of all costs and charges, the project may advance to Stage 3.

### **Stage 3 – Development Agreement and/or Planned Development Ordinance**

**A.** The developer and the City shall enter into a "Development Agreement", to document all of the development rights and responsibilities of both the developer and the City regarding the

proposed project. The Agreement shall act as a formal contract by and between the City and the developer whereby each party agrees to the project development uses and policies in effect on the date of the approval of a particular project, and the developer assures the City of compliance with all applicable rules and regulations and requirements of the City of Horseshoe Bay. The Development Agreement shall include a covenant by the developer to comply with any and all representations of features or attributes of the project made to the DRC by the developer, which are deemed material to the City's ability to meet its obligations to the project as completed, and which are made part of a conditional approval of the project in Stage 1 and/or Stage 2 of this subsection. In lieu of a Development Agreement, the City Council may adopt a Planned Development Ordinance that specifies the obligations and responsibilities of the developer.

**B.** Upon successful completion of all requirements of this Stage, including payment of all related costs and charges, the project may advance to Stage 4.

#### **Stage 4 – Engineering Pre-Design Review**

When construction design and engineering work is beginning, the owner/developer shall contact the Development Services Manager to schedule a meeting of the DRC, which includes all Department Heads and the City Manager, to provide detailed information to the developer related to the City's design and engineering requirements for the project and respond to questions and issues. At this meeting, information on utility locations is provided, public safety requirements are presented, and all other outstanding issues are resolved. The Development Services Manager shall prepare Minutes of the design and engineering issues discussed and agreed to, and shall provide a copy to the owner/developer.

#### **Stage 5 – Engineering Design Review**

When project engineering and design is 80-85% complete, the owner/developer shall contact the Development Services Manager to schedule a meeting of the DRC to review design and engineering details of the project to ensure that they meet all City requirements. At this meeting, any alternative methods for meeting City requirements are presented and based on their justification, either approved or denied. Any required changes shall be incorporated in the final design and engineering plans prior to requesting the DRC meet for Pre-Construction Review. The Development Services Manager shall prepare Minutes of the design and engineering issues discussed and agreed to, and both the City Manager and the owner/developer shall sign the Minutes.

#### **Stage 6 – Pre-Construction Review**

The Pre-Construction Review meeting shall be held between the City's representative(s) and project contractor's representative(s) approximately ten (10) working days, and no less than five (5) working days, prior to commencement of construction activities within the development area. At this meeting, all of the City's requirements for construction, including parking, security, inspections, etc. shall be provided. The Development Services Manager shall prepare Minutes of the construction issues discussed and agreed to, and both the City Manager and the owner/developer shall sign the Minutes.

## **Stage 7 - Construction of Project Improvements**

- A.** Prior to initiation of project construction, the developer shall submit the construction contract, which shall contain all required bonds and certificates of insurance. The construction plans and specifications shall include the "Water General Notes" as prepared by the Utilities Director.
- B.** Notification of any contractor disruption of City services (e.g., water shut-off, etc.) shall be delivered to the Utilities Director or other designated City employee no less than seventy-two (72) hours prior to the service disruption.
- C.** The Inspector for the City of Horseshoe Bay shall make necessary inspections of work in progress. The developer can contract with an independent inspection firm to do required inspections, provided the City approves the firm to do the work. Periodic inspections may be made by the City's Engineer, and special inspections shall be made as required. The costs for inspections and tests completed by City staff and those special tests and inspections required by the project shall be billed to the developer at City cost. All standard inspections and tests shall be covered under a "standard inspection and test fee," which shall be calculated as one-half of one percent (0.5%) of the total costs of water system installations. A billing for these inspections and tests shall occur at 50% and 100% of construction completion. Before the final acceptance of construction is granted, the costs of engineering review and all inspections and tests shall be paid to the City by the developer.

## **Stage 8 - Final Acceptance of Project**

- A.** After all oversized facilities, and released for acceptance for permanent maintenance by the City, the City of Horseshoe Bay shall be furnished with conveyance instruments, approved by the City Attorney, transferring title to all property, right-of-way, equipment and facilities in called as a part of the project system improvements.
- B.** After receipt of the items listed in #2 above, the Utilities Director shall submit a "conveyance instrument" executed by the developer to the DRC for final acceptance.
- C.** The conveyance of title to the City of Horseshoe Bay, the payment of all related charges associated with the project by the developer, and the DRC's positive vote concerning the project shall constitute final acceptance of the project by the City and shall complete the development process for the project under that particular Development Agreement/PD Ordinance.

## **Criteria for Project Approval or Disapproval and Right of Access/Easements**

- A.** No project shall be considered for a development area for construction and final approval unless it meets the criteria imposed by the City, including payment of all related fees and charges, and the project must successfully complete the all of the Stages of project completion as described.

**B.** During Stage 1, when the City has authority to disapprove a proposed development project, said disapproval may be made based on detrimental engineering, economic, and/or operational impact of the proposed project on the City's utility system, for zoning and for aesthetic or other related purposes.

**C.** The DRC may vote to withdraw a prior Stage approval of a project development if such approval was based on written statements/commitments regarding the project development made by the developer or representative of the developer, and if such statements are false or if such developer or representative has failed to timely comply with such written statements/commitments.

**D.** In the event the Development Services Manager determines that a developer has failed to timely comply with a prior written statement or commitment or that a statement is false, a written notice, by both certified and regular mail, shall be submitted to the developer within five (5) days of the determination by the City's Development Services Manager that a failure to comply has occurred. The developer shall then have ten (10) days to comply with the written statements/commitments and to respond to the City's notice. The DRC may discuss this item, and a decision as to the continuation or withdrawal of approval shall be made by the DRC, and a letter shall be submitted to the developer informing him/her of the Committee's decision.

**E.** If the DRC withdraws approval of the project and if construction activities are underway, then such activities shall be halted until the developer has complied with his or her written statement or commitment.

**F.** As a public water supply agency engaged in activities that affect the health and welfare of the residents of its service area, the City of Horseshoe Bay has a right to access the development's facilities, with both personnel and equipment, for the reasonable performance of repair, maintenance, and operational duties, and this right of access shall not be abridged by any citizen or property owner.

**G.** The City shall also have the authority to require easements for the City's facilities from developers developing land within the City's service area boundaries – both on property owned by the developer that is under the process of project approval and on other property owned by the developer within the City's boundaries. Easements required in conjunction with the developer's project shall be granted or acquired at no cost to the City of Horseshoe Bay. A request for an easement or easements may be made by the DRC, the City's Utilities Director, or the City's Engineer, and shall be submitted during Stage 1 or Stage 2 of the Project Development Process. The easement(s) shall be finalized prior to the granting of Stage 3 approval by the DRC.

**H.** Additionally, the developer shall obtain all necessary easements for any facilities, to be constructed by the developer, that are to be installed on property not owned by the developer, and these easements - or a letter of intent to furnish such easement or easements (as provided by the owner of the property) - shall be submitted by the developer to the City prior to the DRC's consideration of Stage 3 approval.

**I.** As part of the development process, the developer shall have the easement prepared per the directions of the City of Horseshoe Bay, and shall submit it to the Development Services Manager and such approved easement(s) shall be recorded on the final plat and/or filed in the Llano or Burnet County Courthouse as required. All costs associated with the preparation of the easement(s) shall be borne by the developer.

**J.** Prior to the final acceptance of the project, the City's Utilities Director or operations foreman shall prepare a "final check list" related to the project and shall verify the following: (i) all construction items shall be in compliance with the plans and change orders of the project; (2) all inspections and tests shall be satisfactorily completed; (3) all charges and fees shall be paid by the developer; (4) three sets of as-built plans of all facilities, along with one set of reproducible as-built plans, shall be furnished to the City at the expense of the developer; and, (5) that the developer has complied with all other terms and provisions of the project's Development Agreement/PD Ordinance. The City's engineer shall also certify that all items have been completed per the requirements of the City of Horseshoe Bay.