AGENDA ITEM SUMMARY

District Impacted
☐ 1 = Wolosin
☐ 2 = Woolard
☐ 3 = Vacant
☐ 4 = Cisneros
☐ 5 = Handren
■ All

City of Boerne

AGENDA DATE	*March 12, 2019*
DESCRIPTION	CONSIDER ON SECOND READING ORDINANCE NO. 2019-05; AN ORDINANCE AMENDING ORDINANCE NO. 2007-63, AMENDING THE REQUIREMENTS FOR THE COMPLETION OF A TRAFFIC IMPACT ANALYSIS PRIOR TO THE APPROVAL OF DEVELOPMENT RELATED PROCESSES; SETTING DEFINITIONS; PROVIDING CRITERIA FOR TYPES OF ANALYSIS; SETTING FORTH MITIGATION PARAMETERS AND LIMITATIONS ON MITIGATION; SETTING MINIMUM VALUES FOR LEVEL OF SERVICE; PROVIDING FOR EXEMPTIONS; PROVIDING FOR A VARIANCE; AND ESTABLISHING A PROCESS FOR DETERMINING ROUGH PROPORTIONALITY.
STAFF'S RECOMMENDED ACTION (be specific)	Approve on second reading Ordinance No. 2019-05; An Ordinance amending Ordinance No. 2007-63, amending the requirements for the completion of a traffic impact analysis prior to the approval of development related processes; setting definitions; providing criteria for types of analysis; setting forth mitigation parameters and limitations on mitigation; setting minimum values for level of service; providing for exemptions; providing for a variance; and establishing a process for determining rough proportionality.
CONTACT PERSON	Laura Talley, Director Planning and Community Development
SUMMARY	Staff and Council have been discussing options on how best to manage the impact of new development growth on the city's transportation network. A traffic impact fee is an option, but impact fees can only be assessed within the city limits. With an impact fee, developments outside the city (in the ETJ) would not have to pay for the impacts created by the development and that burden would fall to the city. After considering the options, staff determined that the best approach is the use of proportionality, which can be applied to all development within the city and ETJ. To establish a proportionality requirement, the Traffic Impact Analysis (TIA) ordinance must be updated. The current TIA ordinance was originally adopted in 2007 and there have only been a few minor revisions since the original adoption. In the last couple of years, enforceability of the ordinance's vague provisions has been challenged by developers. The proposed TIA ordinance is a substantial revision of the current ordinance and the proposed new language would put the city in a much stronger position to negotiate and prioritize what road improvements must be

made within the development and what road improvements should be made outside of the actual development itself, thereby placing the burden on the developer and lessening the burden on the city and the tax payers.

The update to the ordinance will also serve to:
1. Establish the criteria to determine which intersections must be analyzed and establish the requirement to mitigate the impacts to the analyzed intersections.
2. Establish the border street improvement requirement for streets and intersections that are along the perimeter and immediately adjacent to the development.
3. Define the rough proportionality determination and appeals process consistent with 212.904 of the Texas Local Government Code.
4. Add consistency and predictability to the TIA process.
5. Add a Fee in Lieu of option.
6. Comply with State Law.
7. Simplify the ordinance by removing TIA document content requirements from the ordinance and placing them in a separate guidance manual (Transportation Criteria Manual).

The Cities of San Antonio, Austin, Fort Worth, Burleson and other large cities have TIA ordinances that clearly define how proportionality is determined. Other smaller cities such as Georgetown, Kyle and Manor use proportionality but do not have a clear, precise way to calculate proportionality.   Because of current volume of growth in Boerne, it is very important to have clear and concise (defensible) calculations to determine proportionality.

Proportionality establishes a cost of the additional traffic to the surrounding transportation system based on a developers TIA. The city can then require the developer to make the road improvements that are "proportional" to the impact of their development. It also gives the city the right to negotiate which improvements are more imperative than others and negotiate what improvements and to what extent they should be built.

The proposed ordinance is complete. The City's consultant has finalized a Transportation Criteria Manual and the worksheets. The Manual gives detail regarding standards and actual numbers used in calculations. The Manual and worksheets can be updated as often as need be based on current criteria (e.g. costs of materials, trip generation numbers, street cross-sections). The worksheets will assist staff in calculating estimated costs for road improvements to be used in the determination of proportionality and the prioritization of which

	improvements will be of most benefit to the community. Since this was last presented to the Council, an option to allow consideration of 'Fee in Lieu' of constructing road improvements has been added to the border street policy. The fee in lieu of provision establishes criteria where the developer may request and the city may allow the developer to enter into a development agreement to escrow funds for roadway construction in lieu of constructing a border street when: - The border street improvement does not provide a meaningful addition to the thoroughfare system in the project area due to roadway network continuity (for example mismatched cross sections or dead-end facilities), incomplete or partial construction of a drainage system, horizontal and vertical transition constraints. - Improvements to the border street are included in a committed City capital improvement program The development agreement will establish the amount of escrow which would still require completion of a preliminary design and opinion of probable construction cost prepared by a licensed professional engineer. Therefore, if a project is not scheduled to begin construction within one year of the date of escrow, a cost escalation will be negotiated to help offset inflation costs the City of Boerne will incur. The funds that are escrowed may not be used for projects across town. Again, the update to the Traffic Impact Analysis Ordinance provides proportionality and provides a clear, supportable criteria to determine necessary road improvements and the tools to put the City in a stronger negotiating position.
COST	
SOURCE OF FUNDS	
ADDITIONAL INFORMATION	

This summary is not meant to be all inclusive. Supporting documentation is attached.