

The Herald-Zeitung

City explores options for drainage fee

By Chris Cobb
The Herald-Zeitung

Published February 9, 2008

Since the state's justice system shut down New Braunfels' effort to implement a mandatory drainage impact fee in December, the City Council will consider making the fee a voluntary option at Monday's meeting.

Local developers and property owners would have the choice of paying a one-time charge to hook into the city's system in lieu of building their own drainage improvements.

The measure is the result of a drawn-out fight over the legality of the stormwater connection fee, which ultimately was ruled illegal and invalid by the Third Court of Appeals and subsequently rejected for review by the Texas Supreme Court.

Although dubbed a connection fee, the court ruled the original charge was essentially an impact fee, according to City Manager Mike Morrison. He said the court ruled the city had not taken the necessary steps to put an impact fee in place, and was therefore illegal.

The proposed amendment to the stormwater ordinance will be in front on Council Monday for second and final reading. Even if it passes, the city will continue to explore an involuntary charge as a way of funding the city's drainage system.

"That doesn't mean we're not going to look at having impact fees in the future, because we are," said New Braunfels Mayor Bruce Boyer.

The proposed new voluntary fee will be an option for developers and property owners who would otherwise be forced to construct on-site and off-site drainage improvements on their land.

One and two family residential developments can pay a \$600-per-lot connection charge, with all non-residential and other developments able to pay \$.14 per square foot of impervious cover.

The amendment, according to Morrison, is a temporary solution to allow the city to collect some revenue as it continues to explore its options.

"What we didn't want was a situation where we had a void," Morrison said. "Council has given us direction to work with local engineers and others to figure out how to fund our drainage program."

Copyright © 2008 The Herald-Zeitung