

CITY OF LAGO VISTA, TEXAS

RESOLUTION 23-1996

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS ESTABLISHING AN INTERIM GROWTH MANAGEMENT POLICY PENDING THE UPDATE OF THE COMPREHENSIVE PLAN.

WHEREAS, the City Council of the City of Lago Vista, Texas (the “City”) desires to develop a viable, sustainable, and prosperous community that includes expanding economic opportunities, convenient access to needed retail services, and a variety of quality and affordable housing options; and

WHEREAS, significant growth and management of that significant growth was not a concern during the development of the current comprehensive plan that was completed in 2016, and adopted by Ordinance No. 16-05-05-02, as amended; and

WHEREAS, shortly after the current comprehensive plan was adopted, the City of Lago Vista, Texas began to experience unprecedented growth that continues despite the relative economic uncertainty of the last several years; and

WHEREAS, there are an inordinate number of current zoning approvals within the municipal limits that have remained dormant and undeveloped for many years, in some cases decades; and

WHEREAS, unrestrained growth results in disorder and strains existing municipal resources and jeopardizes the City’s ability to provide adequate services consistent with current best practices; and

WHEREAS, current and prospective owners of undeveloped or underdeveloped property within the jurisdiction, including those with dormant approvals, frequently propose significant development; and

WHEREAS, in response to this potential strain to existing municipal resources the City of Lago Vista has recently commissioned municipal water and wastewater service master plans in addition to a citywide traffic safety analysis and an updated comprehensive plan with an integrated growth management policy and strategy; and

WHEREAS, until completion of the updates to the comprehensive plan, the City desires to provide guidance on how these issues will be addressed in light of each specific development proposal.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS THAT:

SECTION 1. pending completion of the update to the current comprehensive plan and the various studies to inform that update, the City Council shall consider the policy and strategy described in

the attached **Exhibit "A"** when considering development approvals of significant size and effect; and

SECTION 2. the City Council shall evaluate dormant approvals in light of the potential effects on infrastructure or other municipal resources and address potential negative effects in a legally authorized manner when appropriate; and

SECTION 3. Approvals of a significant size and impact should be considered in a consistent manner to manage growth and maintain the viability of municipal resources;

AND, IT IS SO RESOLVED.

PASSED AND APPROVED this 4th day of May, 2023.



Ed Tidwell, Mayor

ATTEST:



Lucy Aldrich, City Secretary



On a motion by Councilmember Roberts, seconded by Councilmember Durbin, the above and foregoing instrument was passed and approved.

EXHIBIT “A”

INTERIM GROWTH MANAGEMENT POLICY

1. For the use by the Lago Vista City Council, the Development Services Department staff will generate and maintain a list of approved zoning changes, including Planned Development Districts that have not resulted in a sustained effort toward a recorded final subdivision plat consistent with that approval for more than two years since adoption of the relevant ordinance or any subsequent amendment or since the last review.
2. City Council, in consultation with the Planning and Zoning Commission and City Attorney as appropriate, will instruct the City Manager to propose a zoning change under the authority of Section 13.20(a) of Chapter 14 of the Lago Vista Code of Ordinances for any property on that list of dormant approvals, along with any associated required amendments to the comprehensive plan that is consistent with the current development pattern and compatible with the existing adjacent land uses and recommendations within the comprehensive plan. Going forward, Council shall consider requiring that planned development districts (“PDDs”) and zoning changes be brought before City Council on a regular basis to consider the continuation or termination of such changes.
3. Pending the completed update to the comprehensive plan, when considering a development that proposes ten or more building sites or involves ten or more acres of land, the Lago Vista City Council and City staff may consider the issues below, as applicable, including but not limited to consideration in connection with a development agreement:
 - a. **Land Use Compatibility** – All PDD and zoning change applications shall be compatible with the development standards and lot sizes of adjacent properties.
 - b. **Unbuildable Land** – Applications should include an engineered concept plan signed and sealed by a registered Professional Engineer in the State of Texas clearly showing lot layout, proposed utility layout, and land that is set aside within the proposed development, for rights of way, drainage easements, stormwater facilities, FEMA flood plain, protected trees, unbuildable terrain, or is otherwise not able to be developed.
 - c. **Environmental Impact Report** – Because City Council may consider environmental implications of the proposed development, applications should include a report identifying the number of protected trees, protected animal species and their habitats, amount of estimated cut and fill, and estimated noise pollution caused by construction with a map showing the maximum decibel level at each adjacent property boundary.
 - d. **Pre-Application Neighborhood Meeting** – Because City Council may consider the concerns of nearby residents, applications should include proof that a reasonable effort was made by the applicant to advertise for and hold a neighborhood meeting at an adequately sized facility open and accessible to the

general public. When applicants conduct pre-application neighborhood meetings, the applicants need to record the meetings and keep the recording on file.

- e. **Fiscal Analysis** – Because City Council may consider the fiscal impact of a proposed development to the City, applications should include a fiscal analysis of all projected Sales and Property Tax Revenue generated each year until full build-out is accomplished.
- f. **Public Facilities for Development.** Council may consider the following public facility requirements for development:

- **Wastewater.**

- City Council may consider the following potential demands on the City's wastewater system: (i) demands on the system generated or projected to be generated by existing connections; (ii) buildings under construction that will be connected to the system; (iii) all other committed allocations; (iv) unexpired development agreements; (v) unexpired preliminary plans; and (vi) properties that are anticipated to connect to the system on completion of a capital project then under construction or for which funding has been authorized, right-of-way acquisition completed, and construction plans completed.
- In consideration of one or more of the listed demands, the City Council may consider the adequacy of the following components of the wastewater system: (i) collector systems to serve the proposed development are designed to accommodate expected ultimate peak gravity flows from the proposed development and other developable land within the drainage area; and (ii) interceptors to serve the proposed development have sufficient available capacity to accommodate expected peak gravity flows from the proposed development and other developable land within the drainage area; and (iii) pumping stations and force mains receiving flows from the collector system in the drainage/service area have sufficient available capacity to accommodate ultimate peak flows from the proposed development and other developable land within the drainage area; and (iv) pumping stations and force mains receiving flows from interceptors to serve the proposed development have sufficient available capacity to accommodate expected peak flow from the proposed development and other developable land within the drainage area; (v) treatment plant(s) have sufficient available capacity to accommodate expected annual average and maximum daily loadings from the proposed development and other developable land within the drainage area; and (vi) the determination of whether a collector system, interceptor, treatment

plant, pumping station or force main described in this section has sufficient available capacity shall be made after deducting from existing capacity any portion of that capacity that was created by the City or previous development in the service area over the previous 10 years.

- City Council may consider conditional approvals and grandfathering when appropriate and in accordance with state law.

▪ **Water.**

- The following current and anticipated demands on the water system shall be evaluated to determine adequacy of the system: (i) demands on the system generated or projected to be generated by existing connections; (ii) buildings under construction that will be connected to the system; (iii) all committed allocations evidenced by payment of area charges and connection fees; (iv) all unexpired Development Agreements; (v) all unexpired preliminary plats; and (vi) Properties that are anticipated to connect to the system on completion of a capital project then under construction or for which funding has been authorized, right-of-way acquisition completed, and construction plans completed.
- Taking into consideration proposed demands on the system identified above, the following components of the water system must be determined to be adequate: (i) the water distribution system is capable of providing the required pressures and flows during the maximum day demand and the minimum required pressures for fire flows, resulting from the proposed development and other developable land within the drainage area, as established in the City's water and sewer design guidelines; and (ii) Booster stations and/or transmission mains in the service area have sufficient available capacity to provide maximum day demand and minimum required pressure for fire flow to the proposed development and other developable land within the drainage area; and (iii) Storage tanks in the service area have sufficient available capacity to provide peak hour demand in addition to fire flow to the proposed development and other developable land within the drainage area; and (iv) Source and treatment facilities in the service area have sufficient available capacity to provide maximum day demand to the proposed development and other developable land within the drainage area; the determination of whether a distribution system, booster station and/or transmission main, storage tank, or source and treatment facility described in this section has sufficient available

capacity shall be made after deducting from existing capacity any portion of that capacity that was created by the City or previous development in the service area over the previous 10 years. If the water system serving the proposed development is found to be inadequate, then preliminary subdivision plats exceeding five lots, site plans for multifamily residential developments exceeding five dwelling units, and extensions of previously approved preliminary subdivision plats and site plans might not be approved.

- City Council may consider conditional approvals and grandfathering when appropriate and in accordance with state law.
- **Roads.** City Council may consider the following when determining whether road intersections are adequate for residential preliminary subdivision plans, site plans for development, planned development district concept plans, and subdivision concept plans.
 - Traffic impact analysis.
 - The developer of any project projected to generate either 25 new peak hour trips per day or 200 total trips per day using the latest version of the Institute of Transportation Engineers (ITE) Trip Generation Manual may be asked to submit a traffic impact analysis (TIA) to determine the level of service (LOS) of road intersections within the study area. If a development will generate fewer than 25 new peak-hour trips per day or 200 total trips per day, or if the LOS of an affected intersection is graded "E" or "F," the City may request a TIA. The study area shall be determined by City staff, who may consider the following when determining the parameters of the study area and the requirements and sufficiency of the TIA:
 - Study area. The typical study area for a TIA consists of a minimum area encompassed by a radius of 1/4 mile from the site to be developed, and includes collector or higher-functioning classification road intersections from all approaches to the site as specified in the current edition of the City of Lago Vista's Comprehensive Plan. This area may include intersections which are subject to the jurisdiction of the TxDOT or Travis County. Coordination with these government agencies may be required.

- If the one-fourth-mile radius does not include a collector or higher-functioning classification road intersection, the City may require the inclusion of the nearest collector or higher functioning classification road intersection as part of the study area.
- Trip generation best practices for project TIAs.
 - Existing traffic counts should be conducted within a twelve-month period of the submittal date of the TIA. Traffic counts should be taken on a Tuesday, Wednesday, or Thursday, not following a holiday unless approved by the City. If a school is located within the TIA study limits, traffic counts should be taken while school is in session.
 - Trip generation for each land use should be obtained by utilizing the current edition of the ITE Trip Generation Manual. Where a land use is not recognized within the ITE Manual or where local conditions indicate fewer trips than projected by the ITE standard for a particular land use, local trip rates may be developed; however, the data should be submitted to the City with supporting documentation prior to approval of the rates.
 - For developments generating peak trip numbers on weekends, the City may require the TIA to include traffic counts on either Saturday or Sunday (depending upon which day best reflects the proposed land use's peak operation), and the TIA should include a traffic report for a single peak hour. Operational analyses may be requested as well. Pass-by and diverted trip reduction factors may be considered for certain uses if City staff permits.
- Trip distribution and assignment. Any of the following methodologies may be acceptable for the purpose of determining trip distribution in a TIA:
 - Gravity model. This technique may require calibration prior to its use if utilizing an old gravity model for the study area.
 - Utilization of demographic data.

- Current directional distribution. (NOTE: This may be unacceptable if the directional distribution changes before the design year regarding future changes in the land use or transportation system improvements.)
 - City staff shall approve the methodology to be used in the study.
- Capacity analysis in a TIA. Capacity analyses should be performed for all intersections, roadways, ramps, weaving sections, internal circulation, and access points. The analysis should be performed in accordance with the latest published version of the Highway Capacity Manual (HCM). Other types of capacity analysis may be requested, such as a critical lane analysis, depending on requirements of other jurisdictions with road systems within the City. It may also be necessary to complete traffic progression analysis, utilizing such programs as the HCM or Synchro. Queuing analyses may be requested to determine both on- and off-site situations where queuing could impact the roadway/internal site operation.
 - Unsignalized intersections not meeting the adopted level of service established in this section may be asked to complete a traffic signal warrant analysis. Unsignalized intersections will be evaluated based on the level of service on the minor approaches to the intersection. Accident history of the intersection may be considered as well.
 - When analyzing background and future conditions, only capital projects with one-hundred percent funding may be utilized. Other road improvements associated with other developments that have approved plans and an executed Development Agreement, or TxDOT highway access permit(s) may be utilized as well.
 - Peak-hour observations. The City may request peak-hour observations performed by a qualified traffic engineer in a TIA. The observations should be conducted at the direction of the City to address specific operational issues related to the proposed project. The specific traffic concerns of the City will be presented at the preliminary plan meeting. Documentation of the observations shall be included in the

TIA, along with recommendations to address traffic deficiencies.

- Recommendations. The TIA should recommend mitigating improvements for any failing component. The improvements should be described in the TIA and should include a basic concept plan that illustrates the recommended improvements. The recommended improvements should be achievable utilizing the latest American Association of State Highway and Transportation Officials (AASHTO), TxDOT, or City of Lago Vista guidelines. If recommended improvements are approved by the City, the developer shall implement the recommendations in the TIA at the developer's sole expense.
 - If the TIA determines the existing LOS does not meet the minimum requirements in the study area, the developer may be asked to mitigate the portion of traffic impact generated by the development to ensure that post development traffic conditions are no worse than pre-development levels.
- g. **Schools.** Council may, in conjunction with area school districts, consider the ability of area schools to adequately provide services to additional students residing in proposed developments.