



## Granbury City Council

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### AGENDA REPORT

**Meeting Date:** February 15, 2022

**Item Number:** 7.2

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**SUBJECT:** Public hearing - Consider adopting Ordinance No. 22-05 extending the moratorium within the central and western corporate City limits and the extraterritorial jurisdictional limits of Granbury on all applications for plats as authorized by law and noticed pursuant to Texas Local Government Code 212.134.

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#### **BACKGROUND/DISCUSSION**

The City of Granbury is in the process of upgrading the wastewater system through the Phase I Wastewater System Improvements Project. The Project is comprised of upgrades to the existing wastewater treatment plant, construction of a new wastewater treatment plant, and various wastewater collection system improvements as outlined in Technical Memorandum dated November 13, 2020 by Enprotec / Hibbs & Todd (eHT). While the existing south plant upgrades have begun, the construction of the new East WWTP has been delayed by Texas Commission on Environmental Quality (TCEQ) and their response to the public hearing. This hearing was held on September 10, 2020. The Texas Commission on Environmental Quality (TCEQ) met on September 22, 2021 with a decision made to set a new public hearing. During said meeting the permit was forwarded to the State Office of Administrative Hearings to be held for a later date. A permit for the new facility is on hold until comments on the hearing have been addressed. On December 14, 2020, the City enacted a moratorium within the City limits and portions of the extraterritorial jurisdiction to limit development within this area as shown in the attached exhibit (WW Capacity Affected Area Map) which is being requested to be extended. This moratorium was to limit additional demand being added to an already overburdened system on the east side of Granbury. Due to this moratorium, development has moved from the east side of Granbury to other areas around the City. The new developments will place the existing wastewater treatment plant at its capacity of 2 MGD. Under this motion, the City will enact a moratorium within the City limits and portions of the extraterritorial jurisdiction to limit development in the rest of the City as shown in the attached exhibit (WW Capacity City Wide Affected Area). While the City is moving forward as quickly as possible to resolve these issues by implementing the Project improvements, it is necessary to extend the moratorium to October 4, 2022 for the central and western portions of the City and the extraterritorial jurisdiction to meet TCEQ requirements on maintaining plant capacities. Once the East WWTP is constructed and operational, the System issues as described above will be resolved.

#### **FINANCIAL IMPACT**

The Clean Water State Revolving Fund (CWSRF) bonded indebtedness administered by the Texas Water Development Board (TWDB) is the funding for the proposed Wastewater System Improvements. The total estimated project cost for Phase I of the Wastewater System Improvements, including services for engineering is \$34,000,000.00.

## **PRIOR BOARD OR COUNCIL ACTION**

On June 5, 2018 City Council reviewed the Wastewater Study findings by Enprotec, Hibbs & Todd (eHT) with the public and adopted the study. eHT's findings were that additional Wastewater Treatment facilities are needed to allow for growth and development within the City Limits and ETJ while protecting the environment, health, safety, quality of life, and general welfare of its residents. The City of Granbury submitted a permit request for a new Wastewater Treatment Plant (WWTP) to TCEQ in September of 2019; The WWTP is needed to accommodate the future development and economic growth which is consistent with the findings of the eHT Wastewater Study. The permit was determined administratively complete and the plans have been approved by TCEQ. However, on September 22, 2021, the TCEQ Commission forwarded the permit to the State Office of Administrative Hearings which will delay the permit from being formally issued by TCEQ and delaying the necessary construction of infrastructure that is required to maintain public health and add needed treatment capacity to the City's system.

On December 14, 2020, City Council adopted Ordinance No. 20-72 enacting a moratorium within the corporate City limits and the Extraterritorial jurisdictional limits of Granbury on all applications for plats on the east side of Granbury in an effort to slow the development rate and ensure that the City can continue to provide adequate wastewater service to existing customers and previously committed development. On April 6, 2021 and October 4, 2021, City Council adopted Ordinance Nos. 21-23 and 21-62 extending the eastern moratorium through October 4, 2022.

On October 25, 2021 City Council implemented a central and western moratorium for 120 days, during which applications for development, including all plats to include: Record Plats, Final Plats, Preliminary Plats, Replats, Amending Plats, minor Plats and Development Plats and/or approvals will be suspended; as identified in Ordinance 21-64

The City of Granbury Planning and Zoning Commission conducted a public hearing on October 25, 2021 in compliance with Texas Local Government Code 212.134. No action was taken by the Planning and Zoning. This public reading is the second of two public readings.

## **SUGGESTED ACTION**

In order for the City to have adequate and reasonable time to process the TCEQ permit and to consider the impact upon future growth, the natural environment, public health and safety, development, and places of architectural and ecological importance and significance with the City Limits and ETJ, the City wishes to maintain the status quo by extending the central and western moratorium. During which applications for development, including all plats to include: Record Plats, Final Plats, Preliminary Plats, Replats, Amending Plats, Minor Plats and Development Plats and/or approvals will be suspended; as identified in Ordinance No. 22-05.

## **STAFF CONTACT:**

Rick Crownover

**ATTACHMENTS**

- Ordinance No. 22-05
- Exhibit 'A' - Capacity Memo
- Exhibit 'B' - Map