



## MEMORANDUM

To: City of Seguin Mayor and Council

From: Andy Quittner, City Attorney *AQ*

Date: January 10, 2018

Re: Development fee to recoup part of flood plain study costs

---

In order to develop property that lies partly within the drainage area of a water body, a floodplain study must be conducted to determine the extent of the floodplain and its effect on the property. Such studies are also required for major road construction. The study is then submitted to FEMA by way of a Letter for Map Revision ("LOMR"). Once FEMA approves of the map revision, the contours of the flood plain are set and useable for building and development.

Generally speaking, in unstudied areas, a developer is required to commission a floodplain study and seek a LOMR. Likewise, the City is also required to commission a floodplain study and seek a LOMR for road construction that is grant funded.

There are economies of scale available when larger sections of a body of water are studied at one time, rather than in smaller sections. In this meeting, Council was presented with a Resolution to commission such a study, part of which will be required for the City's reconstruction of Rudeloff Road.

This Ordinance adds a development fee to the UDC that would help recoup some of the costs of larger scale study that was undertaken by the City where the same study would be used by a private developer on its property. The fee would be based on a percentage of the actual cost of the study. The percentage would be calculated by the linear feet of water coursing on the developer's property, with some consideration of the area drained from the property to the water course.