



Community Development Department

Matt Summers, Director of Planning and Zoning
Emily Richey, Current Planning Manager
Petya Stefanoff, Comprehensive Planner
Cameron Veal, Associate Current Planner
Tami Anderson, Administrative Assistant

To make a special assistance request, call 739-1220 or email tanderson@midwestcityok.org no less than 24 hours prior to the start of a meeting.

**AGENDA FOR A SPECIAL MEETING OF THE
MIDWEST CITY PLANNING COMMISSION
March 11, 2024 – 5:00 p.m.
City Council Chambers
City Hall
100 North Midwest Boulevard**

For purposes of all meetings of the Midwest City elected and/or appointed officials, the term “possible action” shall mean possible adoption, rejection, amendments, and/or postponements.

A. CALL TO ORDER

B. DISCUSSION

1. Public hearing, discussion, consideration, and possible action of an ordinance amending Midwest City Municipal Code, Chapter 43 Water, Sewer, Sewage Disposal and Stormwater Quality; Article III, Sewers and Sewage Disposal; Division 5, Other Provisions Relating to Taps and Connections; Section 43-184, Reserved; providing for repealer and severability.

C. ADJOURN



**Engineering and
Construction Services**
100 N Midwest Boulevard
Midwest City, OK 73110
Office 405.739.1220

TO : Chairman and Planning Commission

FROM : Brandon Bundy, P.E., Director

DATE : March 11, 2024

SUBJECT : Public Hearing, discussion, consideration, and possible action of an ordinance amending Midwest City Municipal Code, Chapter 43 Water, Sewer, Sewage Disposal and Stormwater Quality; Article III, Sewers and Sewage Disposal; Division 5, Other Provisions Relating to Taps and Connections; Section 43-184, Reserved; providing for repealer and severability.

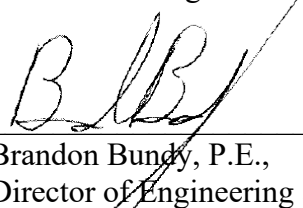
The ordinance presented is to help fund the necessary capital improvements needed to increase capacity of our sanitary sewer system on the east side in reference to the moratorium passed by City Council on August 22, 2023 by resolution.

The City entered into an agreement with Freese and Nichols (FNI) to first study the capacity of the system and later a secondary effort to determine a funding mechanism to pay for those improvements.

City Council was presented with the options during a Special Council meeting on February 8, 2024 at which time City Council instructed staff to pursue the suggested solution of utilizing a series of revenue bonds. The payments for those bonds will be paid for by a 10% increase in sewer rates to across the entire City AND a Development Fee to the any new connections within the affected area (moratorium area).

Pursuant to Title 62 of the Oklahoma Statutes (O.S.), Section 895, municipalities are given the authority to, by ordinance, resolution or regulation adopt Development Fees, which is defined in 62 O.S. Sec. 895 (A) (1) as meaning: “any payment of money imposed, in whole or in part, as a condition of approval of any building permit, plat approval, or zoning change, to the extent the fee is to pay for public infrastructure systems that are attributable to new development or to expand or modify existing development.”

The justification of this State Statute is attached listing the different requirements and responses. There are two public hearings, this meeting before Planning Commission and at the regular City Council meeting March 26, 2024.



Brandon Bundy, P.E.,
Director of Engineering and Construction Services

Attachment

1 **ORDINANCE NO. _____**

2

3 AN ORDINANCE AMENDING THE MIDWEST CITY MUNICIPAL CODE, CHAPTER 43

4 WATER, SEWER, SEWAGE DISPOSAL AND STORMWATER QUALITY; ARTICLE III,

5 SEWERS AND SEWAGE DISPOSAL; DIVISION 5, OTHER PROVISIONS RELATING TO

6 TAPS AND CONNECTIONS; SECTION 43-184, RESERVED; PROVIDING FOR REPEALER

7 AND SEVERABILITY.

8

9 BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA:

10 **ORDINANCE**

11

12

13 **Section 1.** That the Midwest City Municipal Code, Chapter 43, Water, Sewer, Sewage Disposal

14 and Stormwater Quality, Article III, Sewers and Sewage Disposal, Division 5, Other Provisions

15 Related to Taps and Connections, Section 43-184, Reserved; is hereby taken out of reserve and

16 amended to read as follows:

17

18 **43-184. – Reserved. Establishment of a development fee for new connections to sewer mains**

19 **in portions of Sections 30, 31, 32, 33, Township 12 North, Range 1 West, and Sections 5, 6, 7,**

20 **8, 9 and 10, Township 11 North, Range 1 West, all in Oklahoma County, Oklahoma.**

21

22 A. Development Fee is hereby established for all building permits for:

- 23
- 24 1. new construction; or
- 25 2. remodeling or additions which results in the addition of a water meter or an increase
- 26 to the size of an existing water meter. For an increase to the size of an existing water meter, the
- 27 Development Fee charged shall be the difference of Development Units between the existing
- 28 water meter size and new water meter size;

29

30 that will connect to public sewer in the areas identified in Figure 43-184.1 below, in the amount

31 of six thousand three hundred and twenty-five dollars (\$6,325.00) per Development Unit. A

32 Development Unit is calculated based on size of water meter, as follows:

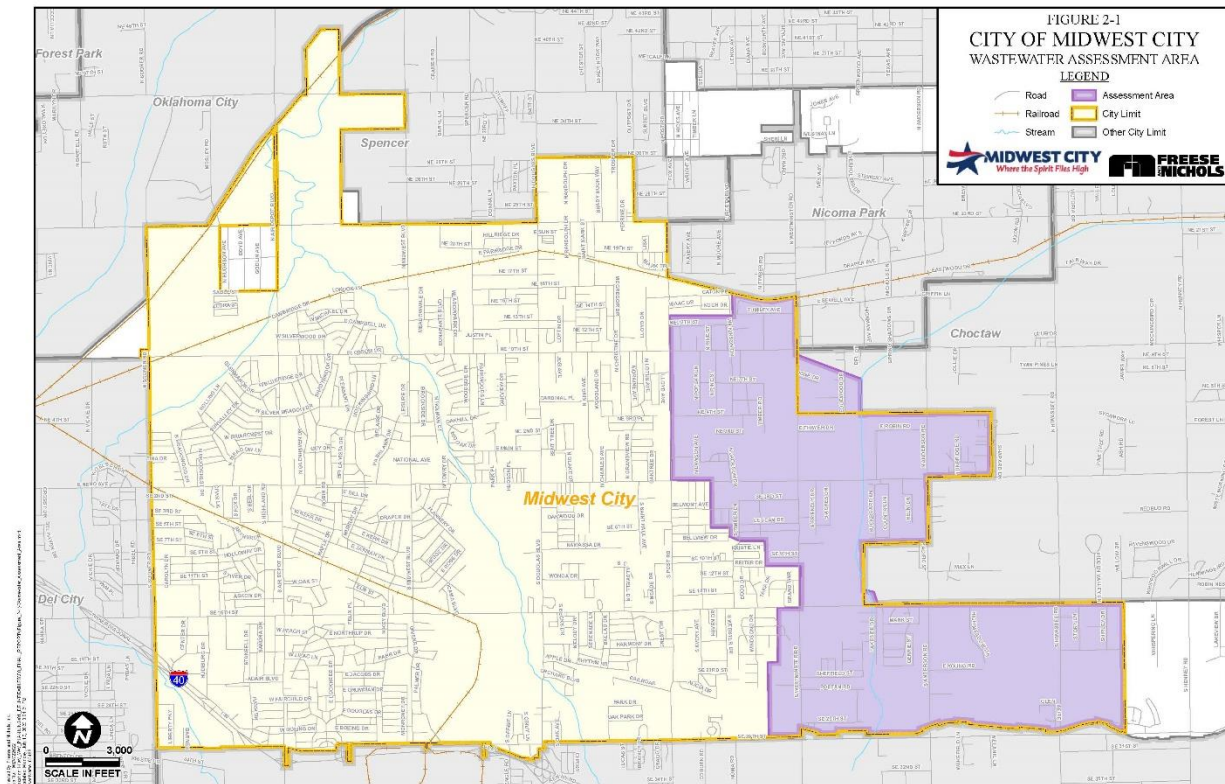
33

<u>DEVELOPMENT FEE SCHEDULE</u>			
<u>Typical Land Use</u>	<u>Meter Size</u>	<u>Flow Rate (Gallons Per Minute)</u>	<u>Development Units</u>
<u>Single Family Residential</u>	<u>5/8" x 3/4"</u>	<u>15</u>	<u>1.0</u>

<u>Multi-family residential, commercial, industrial, office, agricultural, retail</u>	<u>1"</u>	<u>40</u>	<u>2.7</u>
	<u>1 1/2"</u>	<u>50</u>	<u>3.3</u>
	<u>2"</u>	<u>100</u>	<u>6.7</u>
	<u>3"</u>	<u>350</u>	<u>23.3</u>
	<u>4"</u>	<u>600</u>	<u>40.0</u>
	<u>6"</u>	<u>800</u>	<u>53.3</u>
	<u>8"</u>	<u>2,000</u>	<u>133.3</u>
	<u>10"</u>	<u>3,000</u>	<u>200.0</u>
	<u>12"</u>	<u>4,000</u>	<u>266.7</u>

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Figure 43-184.1



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B. The Development Fee shall be charged on each building permit issued as described above in the area listed in Figure 43-184.1, except for any connection to the City's public sewer system where water is provided through the use of a private water well. The Development Fee for any connection to the City's public sewer system where water is provided through a private water well shall be charged when the plumbing permit is issued in the area listed in Figure 43-184.1.

1. For single family residential uses, within the exception above, the Development Fee shall be one Development Unit.

1 2. For any other use, other than single family residential, for the exception listed
2 above, an Oklahoma licensed architect or engineer shall provide to the City the sewer use
3 calculations which will determine the Development Unit. The City shall review and approve the
4 calculations.
5

6 C. The revenues from this fee shall be placed in the Sewer Development Fee account.
7

8 D. The Development Fee shall automatically terminate once payment for the construction
9 of the expansion of the sewer system in the affected area is completed.
10

11 **Section 2.** REPEALER. All other ordinances or parts of ordinances in conflict herewith are hereby
12 repealed.
13

14 **Section 3.** SEVERABILITY. If any section, sentence, clause, or portion of this ordinance is for
15 any reason held to be invalid, such decision shall not affect the validity of the remaining provisions
16 of the ordinance.
17

18 Ordinance Amendments PASSED AND APPROVED by the Mayor and the Council of the City
19 of Midwest City, Oklahoma, this _____ day of _____, 2024.
20

21 **THE CITY OF MIDWEST CITY, OKLAHOMA**
22

23
24 _____
25 MATTHEW D. DUKES, II, Mayor
26

27 ATTEST:
28

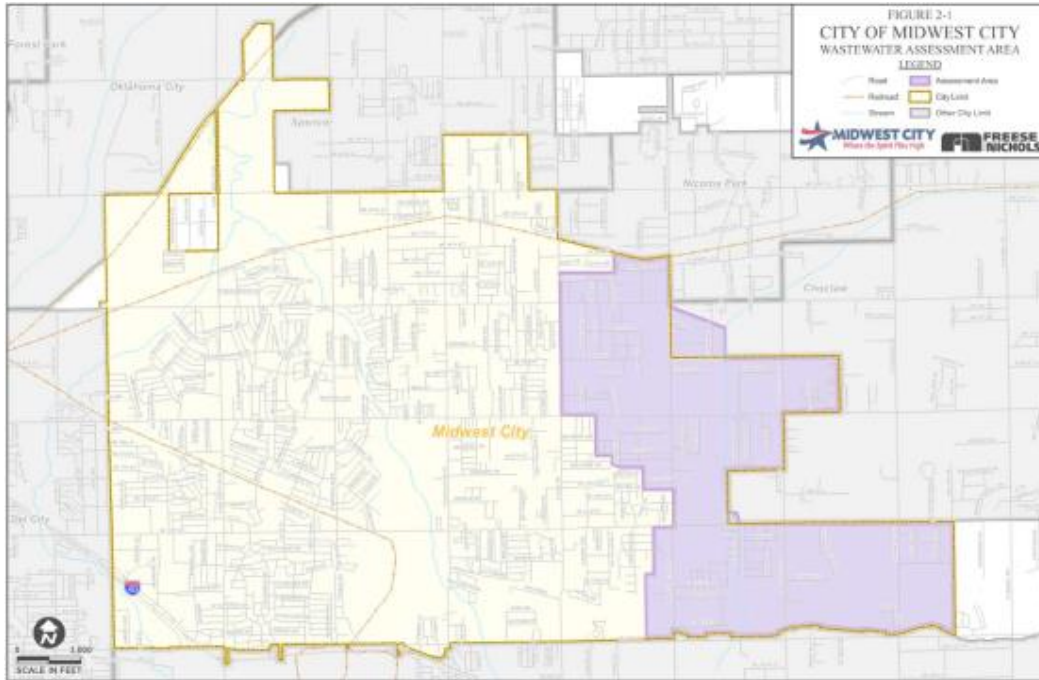
29
30 _____
31 SARA HANCOCK, City Clerk
32

33 Approved as to form and legality this _____ day of _____, 2024.
34

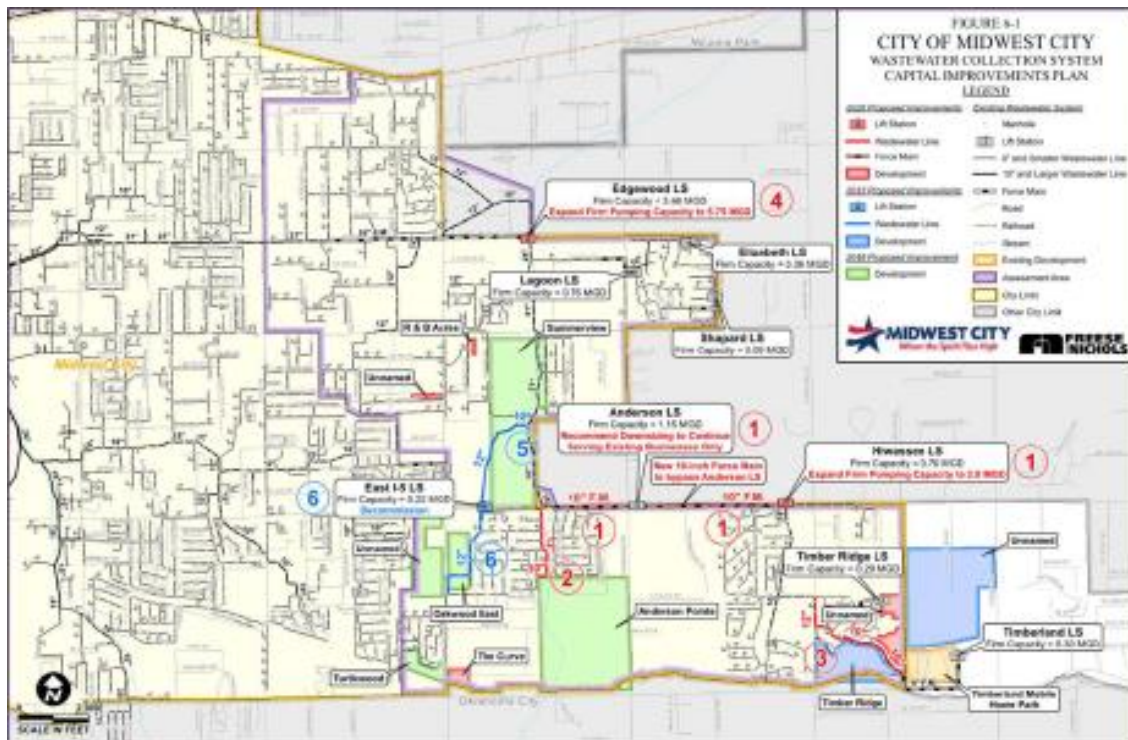
35
36 _____
37 DONALD D. MAISCH, City Attorney
38

COMPONENT CAPITAL IMPROVEMENT PLAN

AREA SHADED IN PURPLE IS THE AFFECTED AREA FOR THE SEWER ISSUES IN MIDWEST CITY



LOCATIONS OF SEWER LINES AND LIFT STATIONS IN THE AFFECTED AREA



The Land Uses for the affected area are: Residential, Commercial, Planned Use Development, Agricultural, Office and Industrial.

CURRENT INFRASTRUCTURE TO BE EXPANDED AND/OR INSTALLED AS NEW

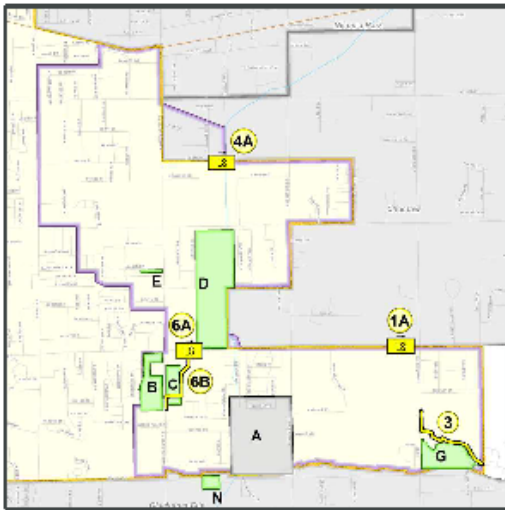
Phase 1 Refinements

July 2023 Original Report

Refinements

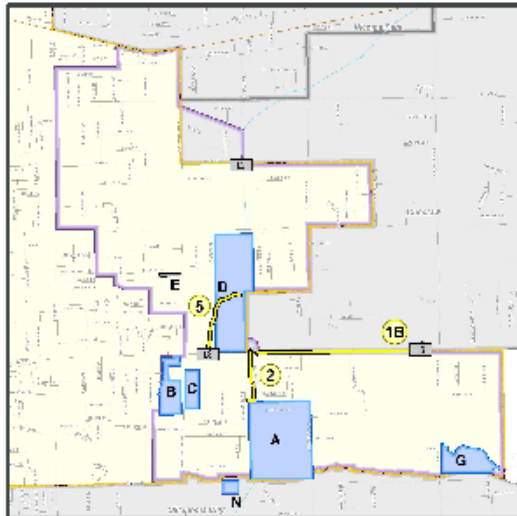
Timeline	Cost (2024 \$)	Projects	Timeline	Cost (2024 \$)	Projects
Short-Term	\$23.8M	1 Hwassee Lift Station & Force Main 2 Lakeside Dr. Sewer Line 3 Timber Ridge Sewer Line 4 Edgewood Lift Station	Already Funded	-	1A Hwassee Lift Station Interim Improvements 4A Edgewood Lift Station Interim Improvements 6A East 1-5 Lift Station Operational Optimizations
Long-Term	\$5.0M	5 East 1-5 Bypass Sewer Line 6 East 1-5 Lift Station and Sewer Line	Immediate (2024)	\$5.1M	3 Timber Ridge Sewer Line 6B East 1-5 Sewer Line
Total	\$28.8M		Short-Term (2025-2033)	\$12.1M	1B Hwassee Lift Station & Force Main 2 Lakeside Dr. Sewer Line 5 East 1-5 Bypass Sewer Line
			Long-Term (2034 and later)	\$11.6M	4B Edgewood Lift Station Rebuild 6C East 1-5 Lift Station
			Total	\$28.8M	

Phase I Refinements – 2024 Actions



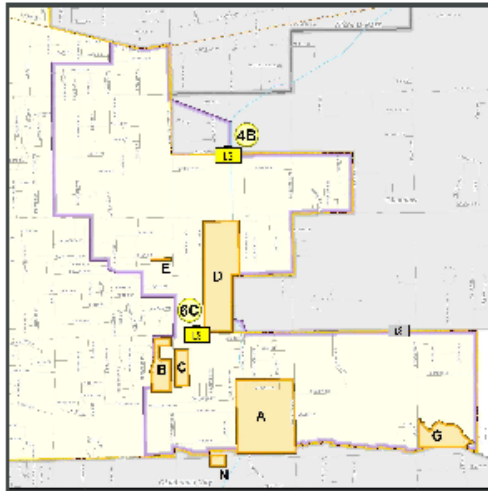
Timeline	Cost (2024 \$)	Projects
Already Funded	–	1A Hwassee Lift Station Interim Improvements 4A Edgewood Lift Station Interim Improvements 6A East 1-5 Lift Station Operational Optimizations
Immediate (2024)	\$5.1M	3 Timber Ridge Sewer Line 6B East 1-5 Sewer Line
Short-Term (2025-2033)	\$12.1M	1B Hwassee Lift Station & Force Main 2 Lakeside Dr. Sewer Line 5 East 1-5 Bypass Sewer Line
Long-Term (2024 and later)	\$11.6M	4B Edgewood Lift Station Rebuild 6C East 1-5 Lift Station
Total	\$28.8M	

Phase I Refinements – 2025-2033



Timeline	Cost (2024 \$)	Projects
Already Funded	—	1A Hiwassee Lift Station Interim Improvements 4A Edgewood Lift Station Interim Improvements 6A East 1-5 Lift Station Operational Optimizations
Immediate (2024)	\$5.1M	8 Timber Ridge Sewer Line 6B East 1-5 Sewer Line
Short-Term (2025-2033)	\$12.1M	1B Hiwassee Lift Station & Force Main 2 Lakeside Dr. Sewer Line 5 East 1-5 Bypass Sewer Line
Long-Term (2034 and later)	\$11.6M	4B Edgewood Lift Station Rebuild 6C East 1-5 Lift Station
Total	\$28.8M	

Phase I Refinements – 2034 and Later



Timeline	Cost (2024 \$)	Projects
Already Funded	–	1A: Hiwassee Lift Station Interim Improvements 4A: Edgewood Lift Station Interim Improvements 6A: East 1-5 Lift Station Operational Optimizations
Immediate (2024)	\$5.1M	3: Timber Ridge Sewer Line 6B: East 1-5 Sewer Line
Short-Term (2025-2033)	\$12.1M	1B: Hiwassee Lift Station & Force Main 2: Lakeside Dr. Sewer Line 5: East 1-5 Bypass Sewer Line
Long-Term (2034 and later)	\$11.6M	4B: Edgewood Lift Station Rebuild 6C: East 1-5 Lift Station
Total	\$28.8M	

DEVELOPMENT FEE JUSTIFICATION

Pursuant to Title 62 of the Oklahoma Statutes (O.S.), Section 895, municipalities are given the authority to, by ordinance, resolution or regulation adopt Development Fees, which is defined in 62 O.S. Sec. 895 (A) (1) as meaning: “any payment of money imposed, in whole or in part, as a condition of approval of any building permit, plat approval, or zoning change, to the extent the fee is to pay for public infrastructure systems that are attributable to new development or to expand or modify existing development.” Pursuant to 62 O.S. Sec. 895 (B) and (C) the following information is required to be ascertained by the municipality to be able to adopt a Development Fee:

1. 62 O.S. Sec. 895 (B)(1): Development fees shall not exceed a clear, ascertainable, and reasonably determined proportionate share of the cost of capital improvement to the public infrastructure system attributable to the expansion or increase in functional service capacity generated, or to be generated by, the development being charged the fee. There shall be a clearly established functional nexus between the purpose and amount of the development fee being charged and the development against which the fee is charged. In determining the development fee, the municipality shall make a documented effort to quantify the projected impact from development and determine that the proposed development fee is reasonably and roughly proportional to the nature and extent of the impact of development.

Response: The City of Midwest City commissioned an engineering evaluation of various lift stations and sewer lines on the East side of the Midwest City to determine capacity. The reason for the requested study was due to the anticipated equivalent construction of between 2,900 to 4,000 new homes in the affected service area. The study found that 3 lift stations and certain sewer lines were near or at capacity. The addition of the anticipated construction would make the lift stations and certain sewer lines beyond capacity. The estimated cost to remedy the over capacity of the lift stations and sewer lines was determined to be approximately \$62,037,464.00. The engineering study recommended a Development Fee of \$6,325.00 that would be added to each building permit that was issued in the affected area. According to the engineering study and based on projected development over the next twenty-five (25) years, the Development Fee would cover 30% of the estimated costs to remedy the over capacity of the lift stations and sewer lines. The additional 70% would be covered by sewer rate increases approved by the City Council for the City of Midwest City.

2. 62 O.S. Sec. 895 (B)(2): Development fees cannot be adopted or used to fund repairs, maintenance, restorations, refurbishments, alterations, improvements, or fixes to existing public infrastructure systems in any way that does not result in an increase or expansion in the functional service capacity of the system which is available to serve new or expanded existing growth and development in the applicable service area.

Response: The Development Fee would be used to fund sewer system improvements that would increase or expand the capacity of the sewer system, including: lift station upgrades; enlargement of sewer piping, necessary to meet growth capacity demands for the anticipated construction of between 2,900 to 4,000 new homes in the affected service area.

3. 62 O.S. Sec. 895 (B)(3): The development fees shall be based on actual system improvement costs or reliable, ascertainable and reasonable projected estimates of the costs. Any estimates of costs shall be based upon factual and historically realized costs for similar system capital improvements.

Response: As stated above the Development Fee is based on the projected cost to expand the wastewater system in the affected service area to meet growth capacity demands as determined by the previously referenced engineering report. As previously stated, it is anticipated that the Development Fee will only cover 30% of the projected costs of the project to meet the portion of costs related to growth, with the other 70% to be covered by an increase in the sewer rates for all residents in Midwest City to meet the portion of costs related to existing capacity demands.

4. 62 O.S. Sec. 895 (B)(4): Development fees may only be imposed to recover or fund the costs of public infrastructure system capital improvements, including, but not limited to, the cost of real property interest acquisitions, rights-of-ways, capital improvements, design, construction, inspection, and capital improvement construction administration, related to one or more public infrastructure systems.

Response: The Development Fee will only be used to cover those costs anticipated to expand the capacity of the sewer system so that the sewer system can safely and properly handle the additional wastewater flow from the anticipated construction of the equivalent of 2,900 to 4,000 new homes in the affected service area.

A municipal development fee ordinance, resolution, or regulation shall provide for the following:

5. 62 O.S. Sec. 895 (C)(1): A schedule of development fees specifying the development fee for various land uses per unit of development, the purpose for the development fee, and termination of the development fee when the applicable public infrastructure system has been fully funded and the expanded or modified development has no additional impact on the public infrastructure system.

Response: See the proposed Development Fee Ordinance.

6. 62 O.S. Sec. 895 (C)(2): A component capital improvement plan that:
 - a. lists public infrastructure system capital projects or facility expansions that are necessitated by development of various land uses in designated areas,
 - b. provides reasonable notice to developers of specific public infrastructure system impacts from development of various land uses within the area of the development, and

c. delineates the property locations that are clearly served by the public infrastructure system that will be funded through the development fee.

In the alternative, a municipality may establish one or more service areas for the collection of development fees. As used in this section, "service area" means a geographic area defined by a municipality in which a defined public infrastructure system provides service to developments within that service area. Service areas shall be carefully drawn so as to include only property locations that are clearly served by the cost of capital improvements that increase or expand the functional service capacity of the public infrastructure system that will be funded through the development fee that is associated with the service area. The determinations regarding the establishment of one or more service areas will be a matter of legislative determination and discretion. Different public infrastructure systems may have different and separately defined service areas unique to each system's coverage. The development fees within a particular service area may be different as applied to different types of land uses.

Response: A Component Capital Improvement Plan has been developed as a part of the engineering report. The public infrastructure capital projects are identified for the Eastside affected service area. The sewer system impact from development in the affected service area has been in the engineering report to be \$6,325 per single dwelling unit equivalent. The affected service area boundary is delineated in the engineering report as the Eastside service area but includes extra-territorial property that discharges into the Eastside sewer service area.