

POLICY GOVERNING THE PROVISION OF UTILITY SERVICE BEYOND THE CITY LIMITS

(RESOLUTION #548 ADOPTED BY CITY COUNCIL ON DECEMBER 19, 2006)

EXISTING ACCOUNTS WITHIN THE PRE-ANNEXATION SERVICE AREA

The City of Portland will provide utility service (water and/or sanitary sewer) within the Pre-Annexation Service Area (See attached map) to existing accounts. These accounts may be reassigned if the party accepting reassignment agrees to enter a written service contract that ensures:

1. All City of Portland rules and regulations governing water use will be met
2. The land use conforms to the Future Land Use Plan or nonconforming land uses at the time of reassignment will not be expanded
3. The property owner agrees that structures erected after a written service contract has been executed will meet all International Building Code and Texas Department of Insurance Windstorm requirements

NEW REQUESTS FOR SERVICE WITHIN THE PRE-ANNEXATION SERVICE AREA

The City of Portland will provide utility service (water and/or sanitary sewer) to owners or developers of property within the Pre-Annexation Service Area (See attached map) requesting it. All of the following conditions shall be met before utility service (water and/or sanitary sewer service) is provided:

WATER SERVICE

1. The Public Works Director certifies that water may be provided in volume and pressure without compromising the integrity of the City of Portland water system
2. The property owner or developer requesting service agrees to meet all City of Portland rules and regulations governing water use
3. If the property for which utility service is being requested is contiguous to the corporate limits of the City of Portland, the property owner or developer requesting such utility

service petitions annexation

4. The proposed development and contemplated land use conforms to the Future Land Use Plan of the City of Portland or nonconforming land uses at the time of service provision will not be expanded:
 - a. Low Density Residential uses meet all requirements of the R-6 Single Family Residential District
 - Mobile homes shall be prohibited
 - Recreation vehicles shall be prohibited for occupancy
 - b. Medium Density Residential uses meet all requirements of the R-7 Single Family Residential District
 - Mobile homes shall be prohibited
 - Recreation vehicles shall be prohibited for occupancy
 - c. High Density Residential uses meet all requirements of the R-20 Multifamily Residential District
 - d. Retail uses meet all requirements of the Retail Commercial District
 - e. Campus Technical Light Industrial Park uses meet all requirements of the Industrial District
5. The property owner or developer agrees that structures erected after a written service contract has been executed will meet all International Building Code and Texas Department of Insurance Windstorm requirements
6. Infrastructure requirements for the provision of water service have been established by the Consulting City Engineer (In no event shall required mains be less than 6 inches in diameter) and the property owner or developer agrees to bear 100% of the costs
7. The property owner or developer agrees to pay related fees and charges (Outside City service rates are 25% higher than City service rates)
8. The property owner or developer requesting service agrees to enter a written service contract

SANITARY SEWER SERVICE

1. The Public Works Director certifies that sanitary sewer system (collection and treatment) capacity exists and sanitary sewer service may be provided without compromising the

integrity of the City of Portland sanitary sewer system

2. The property owner or developer requesting service agrees to meet all City of Portland rules and regulations governing sanitary sewer use
3. If the property for which utility service is being requested is contiguous to the corporate limits of the City of Portland, the property owner requesting such utility service petitions annexation
4. The proposed development and contemplated land use conforms to the future Land Use Plan of the City of Portland or nonconforming land uses at the time of service provision will not be expanded:
 - a. Low Density Residential uses meet all requirements of the R-6 Single Family Residential District
 - Mobile homes shall be prohibited
 - Recreation vehicles shall be prohibited for occupancy
 - b. Medium Density Residential uses meet all requirements of the R-7 Single Family Residential District
 - Mobile homes shall be prohibited
 - Recreation vehicles shall be prohibited for occupancy
 - c. High Density Residential uses meet all requirements of the R-20 Multifamily Residential District
 - d. Retail uses meet all requirements of the Retail Commercial District
 - e. Campus Technical Light Industrial Park uses meet all requirements of the Industrial District
5. The property owner or developer agrees that structures erected after a written service agreement has been executed will meet all International Building Code and Texas Department of Insurance Windstorm requirements
6. Infrastructure requirements for the provision of sanitary sewer service have been established by the Consulting City Engineer and the property owner or developer agrees to bear 100% of the costs
7. The property owner or developer agrees to pay related fees and charges (Outside City service rates are 25% higher than City service rates)

8. The property owner or developer requesting service agrees to enter a written service contract

EXISTING ACCOUNTS OUTSIDE THE PRE-ANNEXATION SERVICE AREA

The City of Portland will provide utility service (water and/or sanitary sewer) beyond the city limits to existing accounts. These accounts may be reassigned if the party accepting reassignment agrees to enter a written service contract that ensures:

1. All City of Portland rules and regulations governing water use will be met
2. The land use conforms to the Future Land Use Plan or nonconforming land uses existing at the time of reassignment shall not be expanded
3. The property owner agrees that structures erected after a written service contract has been executed will meet all International Building Code and Texas Department of Insurance Windstorm requirements

REQUESTS FOR SERVICE OUTSIDE THE PRE-ANNEXATION SERVICE AREA

There may be times when it is in the best interest of the City of Portland to provide utility service to an owner of property or developer located outside the city limits and Pre-Annexation Service Area who has not entered into a service contract with it and/or petitioned annexation. All of the following conditions shall be met before utility service is provided:

WATER SERVICE

1. A request for water service is not being made during a period of mandatory water conservation
2. The Public Works Director certifies that water may be provided in volume and pressure without compromising the integrity of the City of Portland water system
3. The property owner or developer requesting service agrees to meet all City of Portland rules and regulations governing water use
4. The proposed development and contemplated land use conforms to the Future Land Use Plan of the City of Portland or nonconforming land uses at the time of service provision

shall not be expanded:

- a. Low Density Residential uses meet all requirements of the R-6 Single Family Residential District
 - Mobile homes shall be prohibited
 - Recreation vehicles shall be prohibited for occupancy
 - b. Medium Density Residential uses meet all requirements of the R-7 Single Family Residential District
 - Mobile homes shall be prohibited
 - Recreation vehicles shall be prohibited for occupancy
 - c. High Density Residential uses meet all requirements of the R-20 Multifamily Residential District
 - d. Retail uses meet all requirements of the Retail Commercial District
 - e. Campus Technical Light Industrial Park uses meet all requirements of the Industrial District
5. The proposed development and contemplated land use would not be possible within the city limits nor compete with development projects located within the city limits or would have a significant as well as positive economic impact on the City of Portland
 6. The property owner or developer agrees that structures erected after a written service contract has been executed will meet all International Building Code and Texas Department of Insurance Windstorm requirements
 7. Infrastructure requirements for the provision of water service have been established by the Consulting City Engineer (in no event shall required mains be less than 6 inches in diameter) and the property owner or developer has agreed to bear 100% of the costs
 8. The property owner or developer agrees to pay related fees and charges (Outside City service rates are 25% higher than City service rates)
 9. The property owner or developer requesting service agrees to enter a written service contract

SANITARY SEWER SERVICE

1. The Public Works Director certifies that sanitary sewer system (collection and treatment) capacity exists and sanitary sewer service may be provided without compromising the integrity of the City of Portland sanitary sewer system
2. The property owner or developer requesting service agrees to meet all City of Portland rules and regulations governing sanitary sewer use
3. The proposed development and contemplated land use conforms to the Future Land Use Plan of the City of Portland or nonconforming land uses at the time of service provision will not be expanded:
 - a. Low Density Residential uses meet all requirements of the R-6 Single Family Residential District
 - Mobile homes shall be prohibited
 - Recreation vehicles shall be prohibited for occupancy
 - b. Medium Density Residential uses meet all requirements of the R-7 Single Family Residential District
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 - c. High Density Residential uses meet all requirements of the R-20 Multifamily Residential District
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 - e. Campus Technical Light Industrial Park uses meet all requirements of the Industrial District
4. The proposed development and contemplated land use would not be possible within the city limits nor compete with development projects located within the city limits or would have a significant as well as positive economic impact on the City of Portland
5. The property owner or developer agrees that structures erected after a written service contract has been executed will meet all International Building Code and Texas Department of Insurance Windstorm requirements
6. Infrastructure requirements for the provision of sanitary sewer service have been established by the Consulting City Engineer and the property owner has agreed to

bear 100% of the costs

7. The property owner or developer agrees to pay related fees and charges (Outside City service rates are 25% higher than City service rates)
8. The property owner or developer requesting service agrees to enter a written service contract

REQUESTS FOR SERVICE OUTSIDE THE EXTRA-TERRITORIAL JURISDICTION

With the exception of La Quinta Gateway Terminal Complex, the City of Portland will not provide utility service beyond its extra-territorial jurisdiction.

REALTORS TO BE INFORMED

The Staff will inform realtors known to be working within the extra-territorial jurisdiction that owners of undeveloped property and developers of property within the extra-territorial jurisdiction do not have municipal service rights and should not assume the City of Portland will provide them utility service. Utility service may be provided by the City of Portland on a case by case basis when it is in the best interest of its residents to do so.

The Staff will inform realtors known to be working beyond the extra-territorial jurisdiction that the City of Portland will not provide utility service beyond the extra-territorial jurisdiction except to the La Quinta Gateway Container Terminal Complex.



PRE-ANNEXATION SERVICE AREA

