

1 **Q. As a result of these studies, were any improvements warranted?**

2 A. Yes, in order to accommodate projected growth/development based on population and
3 land use projections, improvements will be made to: the City's Potable Water System,
4 Wastewater System, Drainage System, Traffic & Transportation Network, Parks, Trails &
5 Sidewalks, and its Natural Gas Distribution System.

6
7 **Q. How will the City make these improvements?**

8 A. Developers will construct the improvements needed for the operation of their own
9 development. The major water and sewer lines will be installed by a developer as a part of those
10 developments or constructed by the City as needed.

11
12 **Q. How will the City pay for these improvements?**

13 A. As previously stated, as development occurs, the improvements needed will be
14 constructed by the developers. Any other expansion would be made by the City using either
15 cash funding or by the issuance of general obligation bonds.

16
17 **Q. Is expansion of the City's CCN necessary for the service, accommodation,
18 convenience or safety of the public in its ETJ?**

19 A. Yes. There are currently very few service providers within the ETJ thus providing
20 limited options for the residents within the ETJ. By expanding our service area to correspond
21 with the City of Tomball's ETJ, the City, which is already the main regional provider in the area,
22 will not only provide these areas utility service but will further the goal of regionalization and
23 control growth in such a way that the newly developed areas conform to City design criteria. In
24 addition to a scarcity of providers, there are also environmental problems that make City service
25 necessary and prudent. For example, the groundwater in the Boudreaux Estates, located to the
26 West of State Highway 249 near Boudreaux Road, is contaminated with hydrocarbons, more
27 specifically benzene that leached from oil and gas pipelines into the groundwater. Those
28 residents cannot depend on their individual wells. The City was able to step in and have the
29 capacity, expertise and personnel to provide the service to the subdivision. Exhibit JE-12
30 attached to the City's Utility Superintendent, John Escamilla's direct testimony, details the
31 agreement between the City of Tomball and ExxonMobil to provide services to the affected area.

1 **Q. Is the requested service area currently underserved?**

2 A. Yes, in addition to Boudreaux Estates, others do not have adequate water service
3 presently. Harris Montgomery Waller Special Utility District ("HMW SUD") submitted a
4 request to the City Council in March, 2017 asking for an interconnect for water supply since they
5 have an older, shallow well that is in need of serious repairs. The anticipated repairs or cost of
6 the construction of a new well would not be feasible for their district while maintaining
7 customers' current rates. Thus, it was more prudent for HMW SUD to ask the City of Tomball
8 for assistance and purchase water from the City. Attached Exhibit DME-9 is HMW SUD's
9 request for water service at the March 6, 2017 regular City Council meeting.

10
11 HOE Water Supply Corporation ("HOE WSC") is another small water supply
12 corporation that provides water service to an area northeast of the City but is currently
13 underserving its customers. HOE WSC has had numerous reliability and water quality problems
14 (including high levels of manganese) as well as just general operations and maintenance
15 problems. Some customers of HOE WSC, including DPIS Engineering, LLC and Harris County
16 (Harris County Precinct 4 - Samuel Matthews Park) have begun utilizing individual water wells.
17 Both DPIS and Harris County have requested water service from the City and we are currently in
18 the design phase of extending a water line. Per the single certification process set out in § 13.255
19 of the Texas Water Code, DPIS Engineering was sent a notice of (the City's) intent to serve the
20 property and decertify HOE WSC's CCN for that portion that included the DPIS property. The
21 City met with HOE WSC and it agreed to the decertification. Attached Exhibit DME-10 is the
22 City's Notice of Intent sent to HOE WSC and Exhibit DME-11 is Harris County's request.

23
24 Additionally, the City is partnering with Harris County to operate and maintain the
25 County's park near the City's park, Broussard Community Park, which will include providing
26 water service. TCEQ has required the County to seek a source of water for the park other than
27 its private well.

28
29 Aqua Texas is another provider that plans to provide water service in the future through
30 HCID #17, located on the west side of Tomball. However, it is not committing to drill wells
31 until it has more customers/connections so they are seeking wholesale service from the City.

1 This district is looking to develop and has already requested to be released from the Houston ETJ
2 and elected to be within the Tomball ETJ. Exhibit DME-12 is the signed agenda item requesting
3 that HCID #17 be released from Houston's ETJ, and in Item No. 18 of Page 13 of DME-13, the
4 City of Houston City Council minutes show Houston's approval of the release.

5
6 **Q. Does the City provide the same level of service as any of other water providers in the**
7 **general vicinity of the City and its ETJ?**

8 A. The City provides a higher level of water service than other providers. The City's water
9 system provides fire protection through increased fire flows and has fire hydrants throughout the
10 system giving the appropriate fire protection access to hydrants as required by the International
11 Fire Code. Ground and elevated storage are a part of the system to maintain the appropriate
12 water capacity and pressures in compliance with State law. Not all water districts are required to
13 provide fire protection and in most cases do not. The City's accommodation for fire protection
14 meets and exceeds the TCEQ standards, The City has an Insurance Services Office ("ISO")
15 rating of 1 for all of the areas within the city limits. Please see attached Exhibit DME-14, ISO
16 Rating for the city limits of Tomball.

17
18 **Q. Why is the ISO rating important to the City and its residents?**

19 A. ISO, an organization that tracks property and casualty insurance risk, evaluates and rates
20 a community's ability to handle fires. Many insurers factor that information into the formulas
21 they use to derive home insurance premiums. The thinking behind using ISO ratings is this: the
22 better equipped a community is to fight fires, the less likely it is that homes and businesses will
23 sustain major fire damage. Under the ISO program, called the Fire Suppression Rating
24 Schedule, communities can score between 1 and 10 (Class 1 is the most exemplary, Class 10 the
25 least). Historically, residential communities with the worst ISO ratings have had fire losses that
26 were more than twice the amount of losses in communities with the best ratings, according to
27 studies conducted by ISO. Conversely, the higher the ISO rating, the better the community is
28 prepared to handle and fight fires and property owners' insurance premiums are actually lower.
29 The ISO rating is based on three criteria:

- 30 1) 50 percent of the score is based on the local fire department (staffing, training,
31 equipment, and geographic distribution of firehouses).

1 2) 40 percent of the score is based on water supply (placement and condition of fire
2 hydrants and the amount of water available to fight fires).

3 3) 10 percent of the score measures the efficiency of emergency communications (911).
4

5 The City's high ISO rating is relevant to the pending CCN request, at least in part, because the
6 rating was based on the acknowledgement that the City has a plentiful and reliable water supply
7 and our customers' convenience and necessity is furthered by the City's fire fighting capabilities.
8

9 **Q. Does the City intend to continue to achieve as high an ISO rating in the ETJ as it**
10 **does within the city limits?**

11 A. The City's water system will provide the same level of service to all its customers,
12 whether they are within the city limits or ETJ. Boudreaux Estates is located in the ETJ and now
13 receives the same level of service for water as the residents within the city limits, which includes
14 enhanced fire protection due to the installation of fire hydrants, adequate line sizes, and water
15 supply. Currently the City has an ISO rating of 2 for all areas in the ETJ, this rating is detailed in
16 Exhibit DME-15.
17

18 **Q. If the City were not the provider, what water service options currently exist in the**
19 **County?**

20 A. If not deed restricted, landowners have the option of drilling their own private well or if
21 they live in a subdivision, they are served by a water district or investor owned utility
22 ("IOU"). The City will provide water and sewer services to anyone wanting services as long as
23 they adhere to the City's policy as determined by City Council. The City has previously
24 provided water service outside of the city limits in special circumstances through approval by
25 City Council. In the case of Boudreaux Estates/Hoffman Estates, the City stepped in at the
26 subdivision's request and provided water service when it was found that high levels of benzene
27 existed in the groundwater in the areas of the subdivisions.
28

29 As I mentioned earlier, new development has also approached the City for water
30 service. HCID #17 is a new development of approximately 600 acres within the ETJ. Other than
31 the City, there is not a provider in the immediate vicinity with the capability and track record to

1 provide water service. The Grand Parkway is another development where there is a large
2 proposed shopping center in the southwest part of the ETJ that is seeking City water service. As
3 I previously mentioned, the HOE WSC Water System is a system that cannot handle large
4 customers who have approached the City for water service instead. HMW SUD is a water
5 system that has some isolated subdivisions and a failing well which will be better served by the
6 City as the regional provider.

7
8 **Q. Has the City received any request from either current or prospective landowner,**
9 **tenants, or residents to receive water services?**

10 A. Yes, there are several individual customers that need water service and have requested
11 service from the City. These individuals include Mustang CAT located within the ETJ at the
12 intersection of Hufsmith Khroville and Holderrieth Road (Mustang CAT is also requesting to be
13 annexed into the city limits), the Grand Parkway Development at the intersection of Toll Road
14 99 (Grand Parkway) and State Hwy 249, and Pigs Unlimited located west FM 2920 in the ETJ.

15
16 **Q. What economical needs exist for additional water service in the City's ETJ?**

17 A. Economical needs range from large developments to existing water providers who are
18 seeking feasible financial solutions that are reliable as well as cost effective. For example, in the
19 case of HCID #17, the development intended to have a water district as its provider since they
20 are in the county. But the district is largely undeveloped so there are not enough connections
21 (rate base) to warrant the construction of a water plant. The district approached the City for an
22 interim solution. Even though this is to be an interim solution, after discussion, we agreed that
23 interconnect will remain in place in order to provide water in an emergency basis for both the
24 City and district.

25
26 There have been several individual businesses that have also requested water service and
27 have elected to be annexed into the City in order to receive city utilities. Again, HOE WSC and
28 HMW SUD are water districts that have needed the City to be either the water supplier (on a
29 wholesale basis) or the retail provider for some of their customers because of their
30 deficiencies. Also, the City's rate for water is very competitive for our area. Approximately a
31 year ago, we started to receive calls from angry individuals because their bills had

1 skyrocketed. The outrage was so great that Tracy Clemons with ABC 13 news media called me
2 to discuss claims of high water bills. Interestingly, the water bills in question were not the City's
3 and the individuals were not City customers. Instead the bills and customers belonged to
4 Quadvest Water Company, a protestant in this CCN proceeding. Quadvest, which has a small
5 CCN in the Northwest part of the City's ETJ, had increased rates but since the customers'
6 addresses showed a Tomball mailing address the assumption was that the City was the water
7 provider. The ABC 13 news story is attached as Exhibit DME-16, ABC13 News "Water Woes"
8 Article. The City's water rates have not changed for a number of years and remain steady
9 without sharp increases and remains lower than most water companies. As an example, the
10 City's rates provided as Exhibit DME-17 (Master Fee Schedule), are much lower than Protestant
11 Quadvest's rates as outlined in their tariffs attached as Exhibit DME-18.

12
13 **Q. Are there reports or market studies demonstrating existing or anticipated growth in**
14 **Tomball and its ETJ?**

15 A. Yes. The main purpose of requesting the CCN is to meet demand. Harris County is one
16 of the fastest growing areas in Texas and the U.S. According to the US Census Bureau data, the
17 area within a 10-mile radius of Tomball has grown from a population of 245,000 residents in
18 2000 to 413,000 in 2010. As of 2015, the population in the same 10-mile radius is
19 approximately 485,000, a 98% increase since 2000. In Harris County, there are an estimated 6.5
20 million residents. Approximately 65% of those residents live outside of Beltway 8. More
21 specifically, Tomball is one of the sections of Harris County that is seeing the most growth is the
22 northwest section of Harris County. Tomball is a major incorporated City in this section of the
23 county and is the major commercial area serving the northwest part of the county. The Texas
24 Water Development Board's population projections for the City have been very steady as well as
25 the population projections of the Houston - Galveston Area Council of Governments (HGAC).
26 Tomball is rapidly growing. Where there is large and rapid growth like this, there is a need for
27 both water and wastewater services to accommodate new and current customers.

1 **Q. Has the City experienced any rate fluctuation?**

2 A. The only variable has been the NHCRWA fee for pumped groundwater. As I previously
3 mentioned, NHCRWA charges a pumping fee to entities in its jurisdiction that pump
4 groundwater. This fee is passed through to the customer. Currently, the fee is \$2.90 per
5 thousand gallons. Exhibit DME-19 is the most recent letter from NHCRWA notifying the City
6 of the increase.

7
8 **Q. Are there any environmental needs for additional water service? If so, please**
9 **explain.**

10 A. Yes. As previously mentioned, there are environmental issues in the Boudreaux Estates/
11 Hoffman Estates subdivision in the southwest part of the City's ETJ where there is a high level
12 of benzene in groundwater as a result of hydrocarbons leaching from oil and gas pipelines into
13 the groundwater. As a part of a settlement agreement between ExxonMobil and Boudreaux
14 Estates Subdivision (Exhibit JE-12), ExxonMobil agreed to pay for the costs to extend a 12"
15 water transmission line to the subdivision and construct a distribution system to serve the
16 area. The City of Tomball agreed to accept the transmission line and the distribution system as
17 well as supply water to this subdivision. The northeast part of the city's ETJ, which HOE WSC
18 currently serves, is another area that experiences environmental issues. As I mentioned
19 previously, the HOE WSC's well has levels of manganese that exceed state (and federal drinking
20 water) standards. Several of their customers have had to resort to their own wells for quality and
21 reliability reasons.

22
23 **Q. What effect would granting the proposed CCN have on the City of Tomball?**

24 A. The direction of developing the water and sewer systems will be clear and the projects in
25 the CIP program will be better defined. More specifically, with the inclusion of the City's
26 corporate boundaries and ETJ within the City's CCN, the City can ensure that the water and
27 sewer systems are compliant with state and local regulations and consistent with the City's
28 Master Plan for development.

1 **Q. What effect would granting the proposed CCN have on the landowners within the**
2 **requested service area?**

3 A. The City is a reliable, transparent, and cost effective service provider that will be
4 providing regional water and sewer service to the CCN area. The City will operate and maintain
5 the systems in perpetuity reducing the cost of operations. As to the water system, the proposed
6 CCN will also greatly facilitate the conversion of groundwater to surface water as mandated by
7 the HGSD. By adhering to the subsidence districts requirements, more conversion to surface
8 water can be achieved that will help the region on a long term basis furthering statewide water
9 planning policy for this geographic area.

10
11 **Q. What effect would granting the proposed CCN have on any retail public utility**
12 **companies already providing services within two miles of the requested service area?**

13 A. None. This CCN is intended to include only those areas where there is not currently a
14 provider of water or sewer service in operation or where the current service is deficient and we
15 have received a request for service.

16
17 **Q. What is the feasibility of obtaining water service from an adjacent retail public**
18 **utility?**

19 A. As I have indicated, the City is the regional water and wastewater provider in the
20 northwest portion of Harris County and the other nearby retail public utilities are incapable or
21 unreliable for the reasons I discussed. The City has been providing water and wastewater
22 services since the City was incorporated in 1907, and the City maintains a very good compliance
23 history.

24
25 **Q. In your opinion, would environmental integrity be affected by granting the**
26 **application to expand the City's CCN? If so, please explain how.**

27 A. Yes, I believe environmental integrity will be improved in several respects. In addition to
28 the previous testimony about alleviating the problem of contaminated groundwater in other
29 provider's wells, granting the application would help alleviate Harris County's subsidence issues
30 (flooding). Also, to the extent that future NHCRWA customers will be connected to a
31 centralized system at one point versus several smaller intake points scattered in rural areas, there

1 is less impact on the environment. Finally, better monitoring (provided by an experienced and
2 reliable staff) and utilizing good quality wells for the supply will improve the quality of drinking
3 water where there have previously been some documented problems (*see* Exhibit DME-6
4 (conversion plan)).

5
6 **Q. Would the water service be improved or costs to consumers lowered if the**
7 **application is granted?**

8 A. Yes, as the development of the water system to serve the requested CCN area is
9 constructed, the access to water will be readily available. The system that will be available to the
10 landowner will be the same as for those within the city limits which is a reliable, superior water
11 system, rated 1 by ISO within the city limits, professionally managed with experienced
12 professional operators maintaining and operating a regional water system. Without expansion,
13 the requested area will not have the option of having the same quality water system that the
14 residents within the city limits enjoy. They would continue to experience reliability and
15 environmental concerns. Because of the limitations of the current water service providers,
16 landowners will also not be able to take advantage of the full financial potential that economies
17 of scale of regional superior water systems like the City's can provide.

18
19 **Q. How will land in the requested service area be affected, if at all, by granting an**
20 **expanded CCN?**

21 A. At the immediate time, there will not be a measurable effect. As development occurs, the
22 development of city utilities will be installed extending the service outside of the city limits. As
23 the city system expands it will bring the quality of city service, expertise of city staff and sound
24 management to the ETJ.

25
26 **V. SEWER**

27
28 **Q. Would the City of Tomball require construction of a separate sewer system in order**
29 **to adequately service the requested area?**

30 A. No. The City's sewer system is already separated into two drainage areas, Willow Creek
31 and Spring Creek, serviced by two wastewater treatment plants (WWTPs). As more fully

1 explained by our wastewater supervisor, Glen Williams' prefiled testimony, both the "North"
2 and "South" WWTPs are permitted for 1.5 million gallons per day, until 2018. Any addition of
3 customers in the proposed service area as a result of granting the CCN would be served by either
4 of the existing facilities. As such, prior to the expiration of the TPDES in 2018, the City will
5 seek permit renewals without amendments. As development occurs, wastewater will be sent to
6 either the north or south plants by gravity or lifting to a gravity portion of the system.

7
8 **Q. Is the requested sewer CCN necessary for the service, accommodation, convenience,**
9 **or safety of the public?**

10 A. Yes. For the service, accommodation, convenience, and safety of the public, wastewater
11 would be sent to either one of the two WWTPs. The plants can accommodate additional flow
12 right now without the need for capital improvements. The City's operation and control of its
13 own wastewater system promotes public safety, since the monitoring of the treatment and
14 discharge is limited to the two outfalls instead of many individual outfalls from small plants. A
15 centralized wastewater treatment is also better than Onsite Sewage System Facilities or septic
16 systems ("OSSFs") because of the latter's operational inefficiency and the potential for system
17 failure (with environmental harm). With a larger system like the City's sewer system, the
18 treatment plant receives a mixture of contributing flows from residential, commercial, and
19 industrial sources, which allows for a more even and consistent inflow into the plans and more
20 even and consistent treatment of that inflow of waste. A wastewater stream that is combined
21 helps avoid the potential of receiving a large discharge of contaminants otherwise not mitigated
22 from a small number of customers or from only one customer source stream.

23
24 **Q. Is the current sewer service area currently receiving adequate sewer service?**

25 A. Newly developing areas and current landowners who will need service could benefit from
26 a centralized sewer system like the City's. Landowners currently have the option of accessing
27 smaller package plants or installing private OSSFs or septic systems with leach fields. However,
28 not every landowner maintains their system properly. Generally, OSSFs are less protective of
29 human health and the environment, especially where centralized wastewater treatment exists.
30 Also while hooking up to a small system (package plant) might be an alternative, the feasibility

1 is a function of how far away the plant is, whether connection is economically and physically
2 possible and whether the plant has the capacity for the additional volume in the first place.

3
4 **Q. Does the requested sewer area need additional sewer service?**

5 A. Again, any future homes will need new sewer service. Typically, under the City's service
6 policy, the developer of these areas is responsible for the infrastructure to extend to the City's
7 sewer system. These off-site improvements may include collection system and lift stations.
8 Alternatively, the CIP accounts for any necessary upsizing to serve future developments. The
9 CIP is funded through the utility rates and with impact fees paid by developers when developing
10 property at a rate based on the (new) impact to the utility system.

11
12 **Q. Have any landowners, prospective landowners, tenants, or residents requested**
13 **sewer service? In writing?**

14 A. As of now the City has not received any written requests for sewer services outside of the
15 City limits. Although, we have had inquiries to receive services, the main request has been for
16 water service.

17
18 **Q. Are there economic needs for additional sewer service? If so, please explain.**

19 A. Yes, many of utility districts or IOUs only provide water service. Sewer service is not
20 offered because of the limited outfall options, costs of operation and maintenance as well as the
21 liabilities.

22
23 **Q. Are there any environmental needs for additional sewer service? If so, please**
24 **explain.**

25 A. Yes. It is more protective of human health and the environment to have two outfalls at
26 regional centralized plants operated by experienced City staff, than many discharges via small
27 plants or indirectly through failing OSSFs. Also monitoring and testing at the City's WWTPs is
28 more efficient and reliable. With a regional sewer system, the TCEQ also has fewer small
29 systems to inspect for compliance. Additionally, the quality of the treated wastewater is better
30 coming out of large system like the City's because we have dedicated staff to ensure the function

1 of the treatment plants including testing and delivery of chemicals needed to treat the wastewater
2 and ensure the cleanliness before discharge.

3
4 **Q. Are there reports or market studies demonstrating existing or anticipated growth in**
5 **the area, as it pertains to sewer?**

6 A. The TWDB and HGAC data show there has been tremendous growth in Harris County
7 generally, and in the northwest part around Tomball specifically. As I stated before with respect
8 to water, the same is true for wastewater: This area has experienced substantial rapid growth.
9 According to the US Census Bureau data, the area within a 10-mile radius of Tomball has grown
10 from a population of 245,000 residents in 2000 to 413,000 in 2010. As of 2015, the population
11 in the same 10-mile radius is at approximately 485,000, a 98% increase since 2000. In Harris
12 County, there are an estimated 6.5 million residents, 65% outside of Beltway 8. And more
13 specifically, one of the sections of Harris County that is seeing the most growth is the northwest
14 section of the County, which includes Tomball. With the growth in the population, sewer
15 demand is linked directly to water demand.

16
17 **Q. What effects would granting a sewer CCN have on the City?**

18 A. The infrastructure that is developed in the CCN area will meet the City's standards.
19 Development will conform to City standards adding uniformity to the system. The system would
20 treat wastewater from a large area and properly treating the influent and discharging the effluent
21 to an outfall that is tested and reported to the state (TCEQ).

22
23 **Q. What effects would the granting of a sewer CCN have on landowners?**

24 A. Like water service, there are currently very few sewer service providers within the ETJ
25 and thus few options for the residents within the ETJ. By expanding our service area within the
26 City of Tomball's ETJ, we can meet these needs.

1 **Q. Does the City provide the same level of sewer service as any of the other sewer**
2 **providers?**

3 A. To the extent the City's two plants provide centralized treatment and discharge, the City
4 system is a better than the alternatives. OSSFs or septic systems and small package plants are
5 more likely to experience upsets, environmental issues, and shut-downs.
6

7 **Q. What effects would the granting of a sewer CCN have on any retail public utility**
8 **that provides the same service that is already serving any area within two miles of the**
9 **proposed area?**

10 A. There would not be any negative effect on any retail public utility that currently provides
11 wastewater service within two miles of the proposed boundary area if the CCN were to be
12 granted. The City's requested area does not overlap with any of these other provider's
13 certificated areas.
14

15 **Q. What is the feasibility of obtaining sewer service from an adjacent retail public**
16 **utility?**

17 A. Realistically, none. As I explained before, the City is truly the only regionalized and
18 centralized wastewater service provider for many miles. Many utility districts or IOUs, only
19 provide water service. Sewer service is not offered because of the limited outfall options, costs
20 of operation and maintenance as well as the liabilities of the treatment and disposal of sewer
21 treatment.
22

23 **Q. Does the City have the ability to provide adequate sewer service to the requested**
24 **CCN area, including meeting TCEQ and PUC standards and taking into account current**
25 **and projected density and land use?**

26 A. The City's sewer system has the present capacity and ability to provide sewer service to
27 the requested area. Additionally, because the City's sewer design criteria exceeds the TCEQ
28 minimum requirements, the City's sewer system is also the better option. Section 46 of the
29 City's Code of Ordinance relating to Utilities provides that criteria. See Exhibit DME-20.
30

1 **Q. How would environmental integrity be affected, if at all, by granting the requested**
2 **sewer CCN?**

3 A. As I stated earlier, the City's centralized and regional wastewater treatment plants are
4 more protective of human health and the environment than small plants or OSSFs which could
5 fail and may not be able to accommodate the significant growth happening in the Tomball area.
6 So to the extent that the City can provide sewer service where it does not currently exist and
7 provide a better option, then environmental integrity would be benefitted.

8
9 **Q. Is it probable that sewer service would be improved or cost to consumers in the**
10 **requested area be lowered by granting the sewer CCN?**

11 A. Again, as the development of the sewer system to serve the expanded CCN area is
12 constructed, the access to sewer collection facilities will be readily available. The system that
13 will be available to the landowner will be the same as for those within the City limits that is a
14 reliable and safe system, professionally managed with experienced professional operators
15 maintaining and operating a regional sewer system. Without expansion, the requested area will
16 not have the option of having the quality sewer system that the residents within the City limits
17 enjoy. They could continue to experience reliability and environmental concerns. Because of
18 the limitations of the current sewer service providers (or lack of), landowners will also not be
19 able to take advantage of the full financial potential that economies of scale of regional sewer
20 treatment systems like the City's can provide.

21
22 **Q. How would the land in the requested sewer service area be affected, if at all, by**
23 **granting the CCN?**

24 A. As I stated earlier, the City's centralized and regional wastewater treatment plants are
25 more protective of human health and the environment than small plants or OSSFs which may not
26 be able to accommodate the significant growth happening in the Tomball area.

27
28 **Q. Ultimately, does the City possess the financial, managerial, and technical capability**
29 **to provide continuous and adequate water and sewer service?**

30 A. As the City's Director of Public Works, I help manage daily operations and help plan for
31 future growth and development. By doing this, it is important to outline the needs of the area not

1 only within the city limits but also where we will ultimately be required to serve which is the
2 City's ETJ. As discussed in the finance director's testimony, the City has the financial status to
3 borrow or spend cash on hand for improvements and/or expansions to the sewer system. The
4 City Council has traditionally been consistent and politically stable allowing for future planning.
5 The City's prudent hiring and training policies have allowed the City to maintain qualified staff
6 over many years. Our Utilities Superintendent, John Escamilla for example, has been serving the
7 City's utility section for 26 years. Certification requirements ensure that the technical expertise
8 is available with appropriate redundancies within the positions. In short, I do believe that we
9 have the financial, managerial, and technical capability to provide not just continuous and
10 adequate but superior water and sewer service.

11
12 **Q. Does this complete your testimony?**

13 A. Yes, however, I reserve the right to revise or expand my testimony as additional facts or
14 evidence become available during the hearing process.

DAVID ESQUIVEL, PE

8303 Mossdale Circle
Spring, Texas 77379

817-774-6313
desquivel59@hotmail.com

Executive Profile

Ambitious Executive Professional who creates strategic alliances with organization leaders to effectively align with and support key business initiatives. Builds and retains high performance teams by hiring, developing and motivating skilled professionals. Actively engages outside customers and partners to achieve the common goals of both the city and its customers.

Skills Highlights

Business Development	Project Management	Leadership / Communication skills	Operations Organization
Budgeting Analysis	Negotiations	Employee Relations	Self-motivated
Customer-oriented / Customer Service	Regulatory Affairs	Strategic Planning	Staff development
Team Leadership	Team Building	Bilingual	Budget Development
Organizational Restructure and Change	Emergency Operations	Problem Solving	Creative Thinking

Core Accomplishments:

Business Development:

- Initiated TIF district 3 which resulted in the formation of the largest TIF that encompasses the new Chisholm Trail corridor.
- Negotiated development agreements to facilitate development.
- Guided developers through development ordinances to assist projects be completed.

Project Management:

- Successfully completed the expansion of the water treatment plant from 15 MGD to 20 MGD. The project was completed under budget and savings were leveraged to complete other vital projects without needing to find other financing options.
- Successfully completed and managed a multitude of Capital projects
- Assigned Capital Improvement Projects program and restructure to increase efficiency and stabilize the program.

Leadership / Communication skills:

- Served on Cleburne Education Foundation Board of Directors
- Serve on the Emergency Response Team with the City

Direct Testimony of David Esquivel, P.E.

Ex. DME-1

-
- Served on resident committees
 - Served and supports various boards and committees

Business Operations Organization:

- Organized existing staff to cover new areas of need and maintained services while adding new and the expansion of existing services.
- Created and secured funding for new department. Gas well administration was required due to the growing number of gas wells and pad sites within the city limits. Approximately 246 gas wells are permitted within the Cleburne city limits.

Budgeting Analysis:

- Review and help complete the City budget. Analyzed and adjusted items within funds to balance.
- Review and project estimates for budget line items to help determine beginning balances.
- Projection of revenues and expenditures and adjustments to expenditures (projects) to recommend rate amounts.
- Member of the Audit Committee. The committee oversees the audit process and takes action whenever necessary and reports to the City Council.
- Participates in bond surveillance meetings with bond rating agencies and was integral part of achieving a two level bond rating increase.

Negotiations:

- Successfully bid and negotiated contract for commercial solid waste and disposal to a 10 year contract.
- Successfully negotiated development agreements (annexation) with annexation property owners.
- Successfully negotiated the conversion of residential trash service from bag to automated load container service.
- Successfully negotiated a sick leave policy update / amendment with general and civil service employees to reduce growing unfunded liability.

Customer Oriented:

- Conducted resident neighborhood meetings.
- Conducted annexation meetings with property owners
- Proven track record helping customers with various needs and issues

Regulatory Affairs:

- Work with TCEQ (Texas Commission on Environmental Quality) with regulatory issues and permit applications.

-
- Work with TWDB (Texas Water Development Board) to secure funding for various water projects.

Strategic Planning:

- Master Land use planning and Code Revisions. Headed up the Comprehensive Master Land use plan and worked on the Code Revisions to implement the Master Plan.
- Updating the Long Range Water Supply and Reuse plan. Currently evaluating water supply options and implementing the reuse plan.
- Revised and implemented the long range vehicle and equipment lease fund plan to minimize payments and identify high priority replacement vehicles.
- Head of the annexation project that resulted in strategic annexation.
- Currently working on establishing the CCN (certificate of convenience and necessity) for water and sewer service for the City of Tomball.

Staff Development:

- During reorganization and restructuring due to the economic downturn, developed managers to consolidate departments and take a more active role in higher level of management.
- Established a public works Focus Group to develop employees professionally, educate and inform, and promote an inclusive atmosphere of all levels of employees.
- Identify and promote internal candidates for advancement and assisted in making them successful.

Emergency Operations:

- Serve as the Level 2 response on EOC (Emergency Operations Center).
- Responded to F3 Tornado event in May 2013 and completed the majority of the cleanup within 1.5 weeks.
- Emergency Response on Public Works facilities. Serves in response with water and wastewater treatment plant chlorine release, Dam failure and weather related responses.

Professional Experience

Director of Public Works

January 2015 to Current

City of Tomball - Tomball, Texas

Responsible for for 10 departments with a total budget of approximately \$20 million and 45 employees. Primary responsibilities includes operations and strategic planning for water, sewer, streets, sanitation services, parks, building maintenance, sewer treatment, natural gas distribution, fleet and capital projects.

Assistant City Manager / Director of Public Works

May 2011 to November 2014

City of Cleburne - Cleburne, Texas

Responsible for for 24 departments with a total budget of approximately \$40 million and 120 employees. Primary responsibilities included strategic planning for water, sewer, streets, sanitation services and development, parks and rec and Community Services.

Director of Public Works

August 2008 to May 2011

City of Cleburne - Cleburne, Texas

Responsible for and over saw 17 departments with a total budget of approximately \$30 million and 100 employees. Primary responsibilities included strategic planning for water, sewer, streets, sanitation services and development.

City Engineer

February 2004 to August 2008

City of Cleburne - Cleburne, Texas

Began as Senior Engineer then promoted to City Engineer when received Professional Engineer license. Responsible for the building inspections, engineering and mapping departments. Implemented the city base updates using AutoCAD, Began the GIS department and began the conversion of base maps into GIS. Was responsible for management of all capital projects including performing in-house design, bid and construction of projects.

Project Manager

September 1997 to January 2004

Oller Engineering - Lubbock, Texas

Responsible for design of municipal civil engineering projects, feasibility reports, data collection (surveys, design research and design records) and construction management.

Education & Certifications

Bachelor of Science : Civil Engineering, 2001; Texas Tech University - Lubbock, Texas, US

Professional Engineer License (PE), Texas

Completed PFIA (Public Funds Investment Act) certification compliance

Boards, Commissions, and Civic Associations

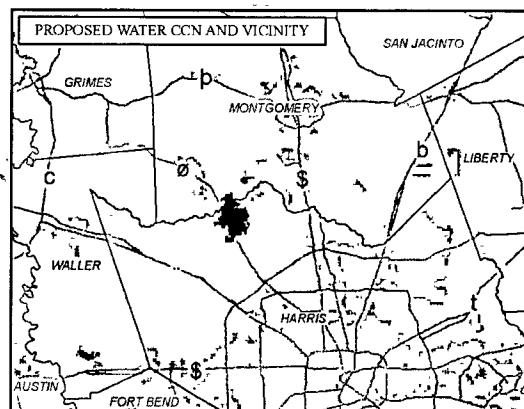
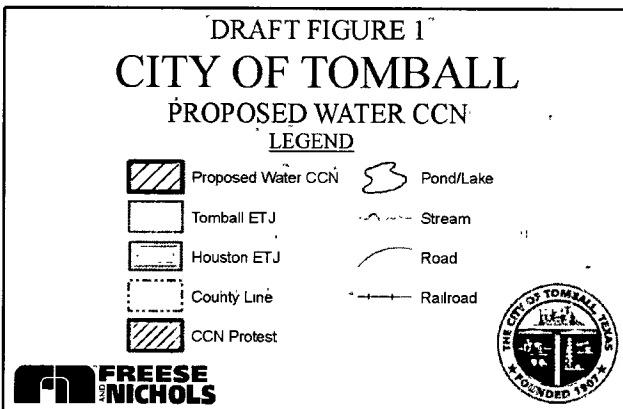
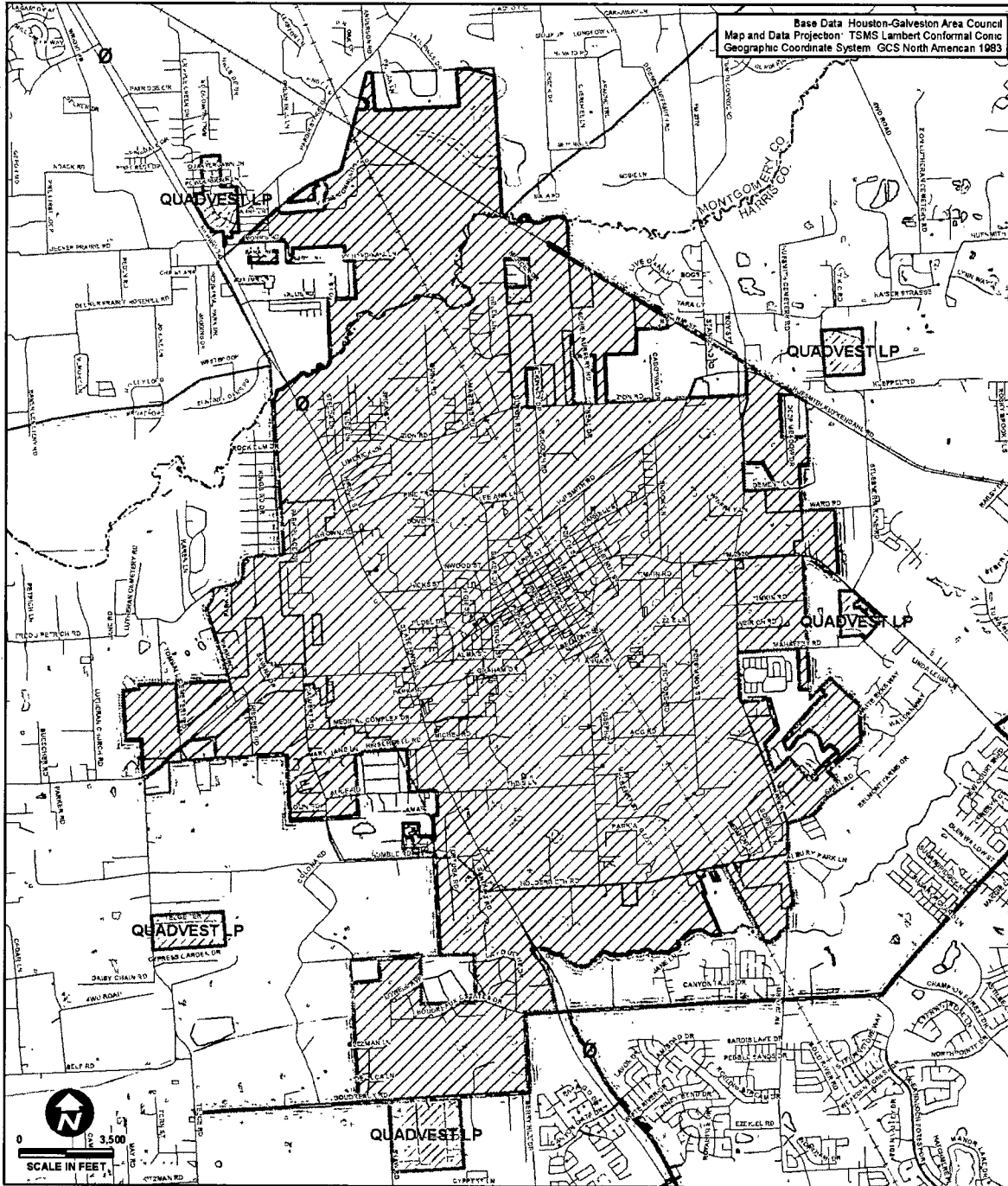
Member (PE) - Texas Board of Professional
Engineers

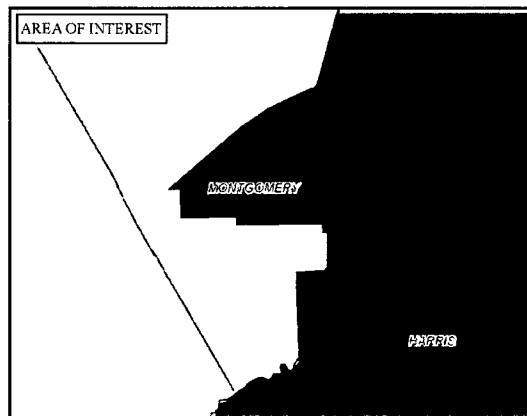
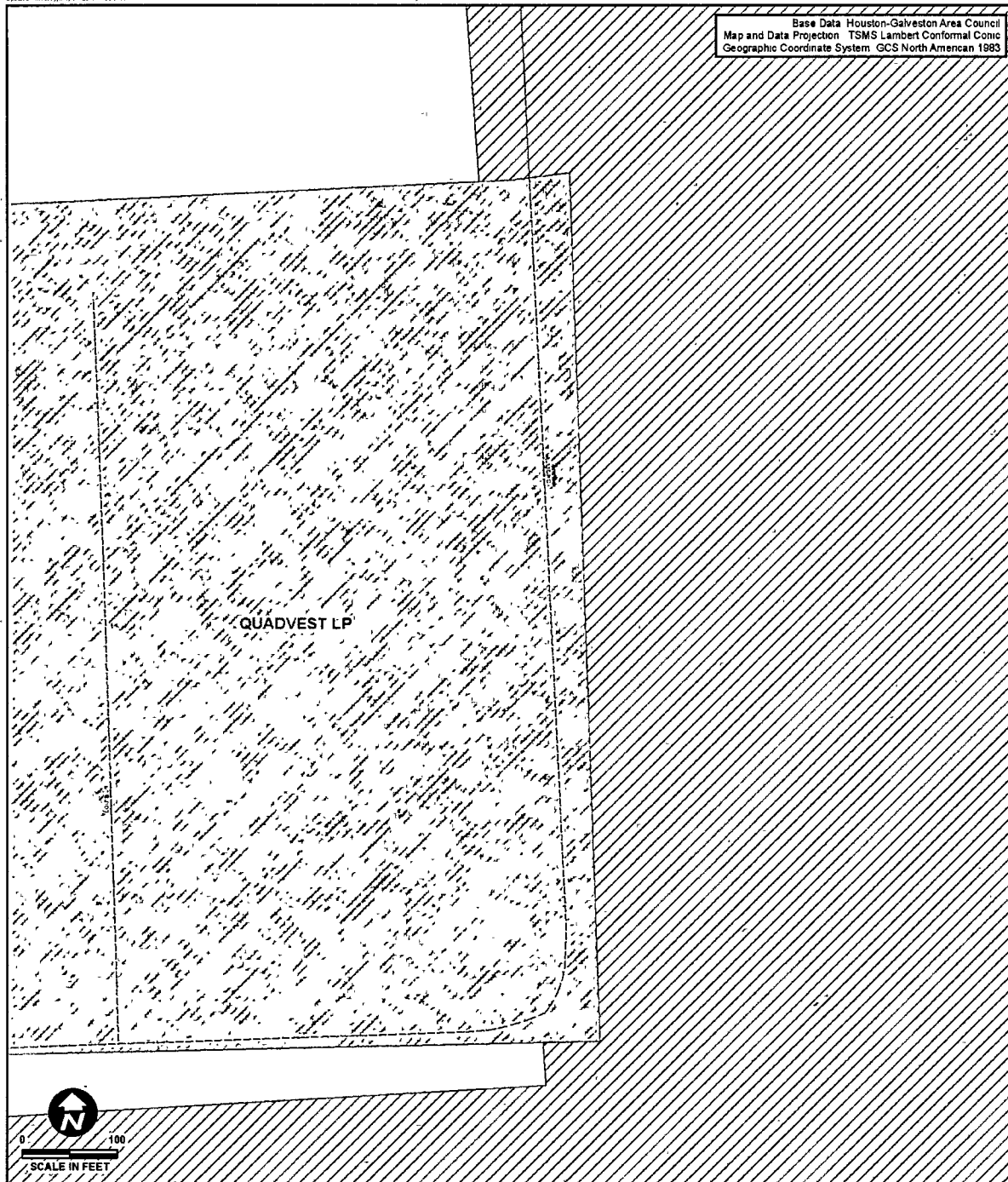
Member - American Public Works Association

Leadership North Houston - Class 21 (2015)

Tomball Capital Projects Committee

Klein Soccer Association





ARTICLE IX: - FRANCHISE AND PUBLIC UTILITIES^[6]

Footnotes:

--- (6) ---

State Law reference— Water and utilities, V.T.C.A., Local Government Code ch. 401 et seq.

Sec. 9.01. - Power to grant franchise.

Council shall have power by ordinance to grant, amend, renew and extend all franchises of all public utilities of every type operating with the City. All such ordinances granting, amending, renewing, or extending franchises for public utilities shall be governed by the procedures established in Section 6.14. No public utility franchise shall be granted for a term of more than twenty (20) years, nor be transferable except with the approval of the Council expressed by ordinance.

(Rev. of 5-6-1995; Rev. of 5-10-2014, amd. no. 31(9.01)

Sec. 9.02. - Franchise value not to be allowed.

In fixing reasonable rates and charges for utility service within the City and in determining the just compensation to be paid by the City for public utility property which the City may acquire by condemnation or otherwise, nothing shall be included as the value of any franchise granted by the City under this Charter.

(Rev. of 5-6-1995)

Sec. 9.03. - Right of regulation.

Every grant, renewal, extension or amendment of a public utility franchise, whether so provided in the ordinance or not, shall be subject to the right of the City unless Federal or State law dictates otherwise:

- A. To forfeit any such franchise by ordinance at any time for failure of the holder thereof to comply with the terms of the franchise. Such power shall be exercised only after written notice to the franchise holder stating wherein the franchise holder has failed to comply with the terms of the franchise and setting a reasonable time for the correction of such failure, and shall be exercised after such reasonable time has expired.
- B. To impose reasonable regulations to insure safe, efficient and continuous service to the public.
- C. To require such expansion, extension, enlargement and improvement of plants and facilities as are necessary to provide adequate service to the public.
- D. To require every franchise holder to furnish to the City, without cost to the City, full information regarding the location, character, size, length and terminals of all facilities of such franchise holder in, over and under the streets, alleys and other public properties of the City, and to regulate and control the location, relocation and removal of such facilities.
- E. To collect from every public utility operating in the City such proportion of the expense of excavating, grading, paving, repaving, constructing, reconstructing, draining, repairing, maintaining, lighting, sweeping and sprinkling the streets, alleys, bridges, culverts, viaducts and

other public places of the City which represent the increased cost of such operation resulting from the occupancy of such public places by such public utility, and such proportion of that cost of such operations as results from the damage to or the disturbance of such public places caused by such public utility; or to compel such public utility to perform, at its own expense, such operations as above listed which are made necessary by the occupancy of such public places by such utility or by damage to or disturbance of such public places caused by such public utility.

- F. To require every franchise holder to allow other public utilities to use its poles and other facilities, including bridges and viaducts, whenever in the judgment of the Council such use shall be in the public interest, provided that in such an event, a reasonable rental shall be paid such owner of the facilities for such use. Provided further, that inability of such public utilities to agree upon rental facilities shall not be an excuse for failure to comply with such requirement by the Council.
- G. To require the keeping of accounts in such form as will accurately reflect the value of the property of each franchise holder which is used and useful in rendering its service to the public and the expenses, receipts and profits of all kind of such franchise holder.
- H. To examine and audit at any time during business hours the accounts and other records of any franchise holder.
- I. To require reports on the operation of the utility, which shall be in such form and contain such information as the Council shall prescribe.
- J. To require that the public utility give notice to any subscriber to its service prior to the permanent or temporary discontinuance or disruption of such service by the public utility, except in cases of emergency, and to require that no officer, agent, servant or employee of the public utility nor any vehicles or equipment under their control shall make use of, go upon or across any private property in the City without first obtaining the permission of the owner or occupant of such property, except in cases of emergency, and to provide a penalty for the violation of such requirements.
- K. To impose such other reasonable regulations, restrictions, requirements and conditions as may be deemed necessary or desirable to promote the health, safety, welfare or accommodations of the public.
- L. No franchise shall be transferable except with the approval of the Council as expressed by ordinance. The term "transferable", as used herein, shall not be construed in such a manner as to prevent the franchise from pledging said franchise as security for a valid debt or mortgage.

(Rev. of 5-6-1995)

Sec. 9.04. - Grant not to be exclusive.

No grant of franchise to construct, maintain or operate a public utility and no renewal or extension of such grant shall be exclusive.

(Rev. of 5-6-1995)

Sec. 9.05. - Other conditions.

All franchises heretofore granted are recognized as contracts between the City and the grantee, and the contractual rights as contained in any such franchise shall not be impaired by the provisions of this Charter except that the power of the City to exercise the rights of eminent domain in the acquisition of any utility property is in all things reserved, and except the general power of the City heretofore existing and herein provided for to regulate the rates and services of a utility, which shall include the right to require adequate and reasonable quality of utility service to the public. Every public utility franchise hereafter

Direct Testimony of David Esquivel, P.E.

Ex. DME-4

granted shall be held subject to all the terms and conditions contained in the various sections of this Article whether or not such terms are specifically mentioned in the franchises. Nothing in this Charter shall operate to limit in any way, as specifically stated, the discretion of the Council or the voters of the City in imposing terms and conditions as may be reasonable in connection with any franchise grant, including the right to require such compensation or rental as may be permitted by the laws of the State of Texas and the United States of America.

(Rev. of 5-6-1995)

Sec. 9.06. - Accounts of municipally-owned utilities.

Accounts shall be kept for each public utility owned or operated by the City in such manner as to show the true and complete financial results of such City ownership and operation, including all assets and all liabilities, appropriately subdivided by classes, depreciation reserve, other reserves and surplus; also revenues, operating expenses including depreciation, interest payment, rental and other disposition of annual income, the accounts shall show actual capital cost to the City of each public utility owned; the cost of all extensions, additions and improvements and the source of funds expended for such capital purposes. They shall show as nearly as possible the cost of any service furnished to or rendered by any such utility to any City Government Department. The Council shall cause an annual report to be made by a Certified Public Accountant giving the information specified in this section and such other data as the Council shall deem expedient.

(Rev. of 5-6-1995)

Sec. 9.07. - Sales of municipal utilities.

The Council shall have the power and authority to:

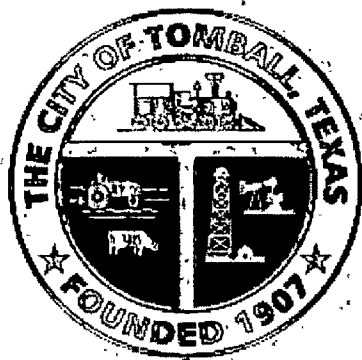
- A. Sell and distribute water, sell and provide sewer services, sell and distribute natural gas, provide for garbage and trash collection and disposition, and provide similar services within the Corporate limits of the City or its extraterritorial jurisdiction (ETJ).
- B. Prescribe the types of materials used within or beyond the limits of the City for such municipal services, inspect the same and require such materials to be kept in good order and condition at all times, make such rules and regulations as shall be necessary and proper and prescribe penalties for noncompliance with same.

(Rev. of 5-6-1995)

Sec. 9.08. - Regulation of rates and utilities.

The Council shall have full power, after notice and hearing, to regulate by ordinance, subject to Federal and State laws, the rates of every public utility operating in the City provided that no such ordinance shall be passed as an emergency measure. The City shall have power to employ, at the expense of the Grantee, expert assistance and advice in determining a reasonable rate and equitable profit to the Grantee. This Charter does not revoke any existing City Ordinance that has waived the right of rate regulation by the City to the Public Utility Commission of the State of Texas.

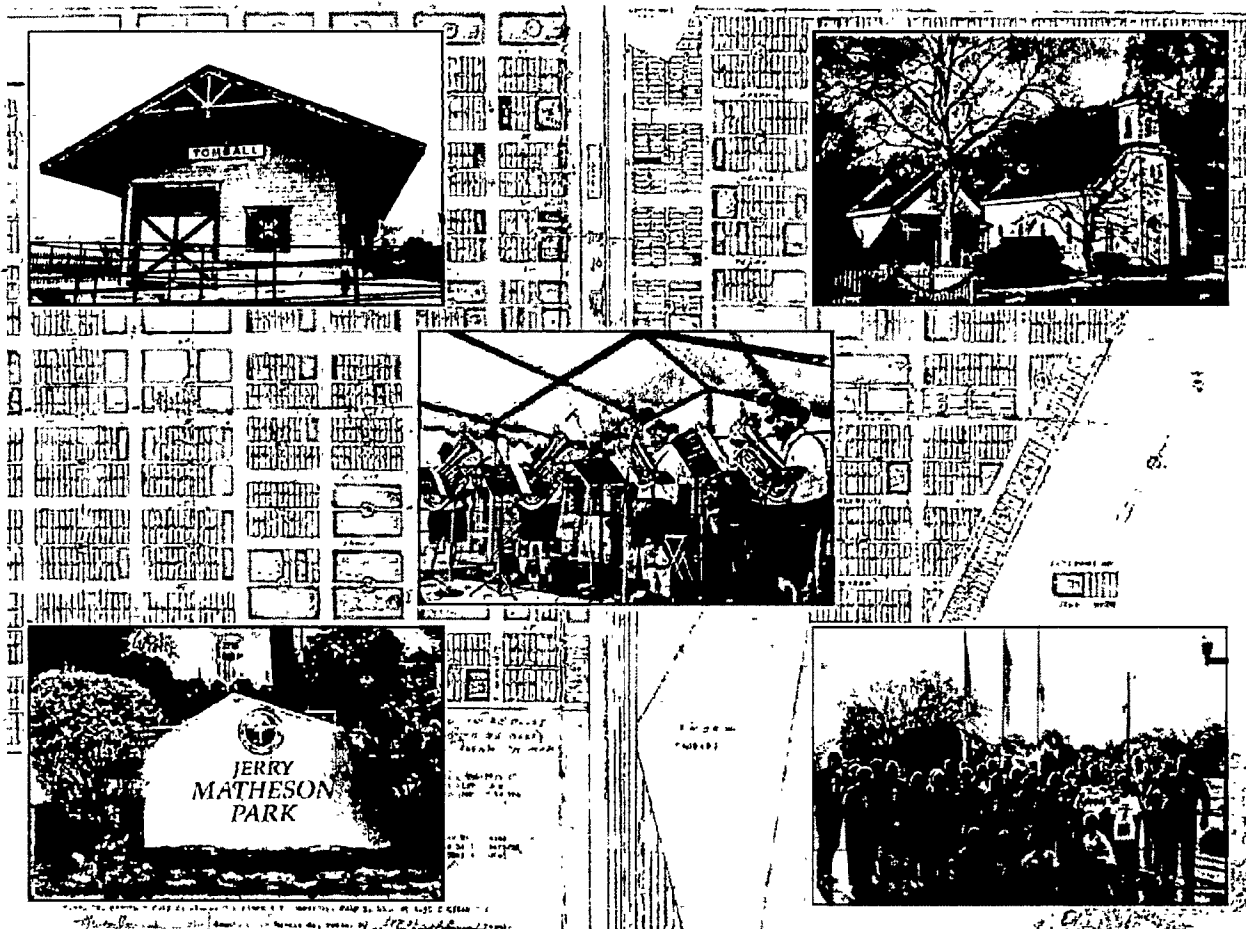
(Rev. of 5-6-1995; Rev. of 5-10-2014, amd. no. 32(9.08))



TOMBALL

COMPREHENSIVE PLAN

VISION • VALUES • COMMUNITY



Vision 2030

Adopted December 7, 2009

Direct Testimony of David Esquivel, P.E.

Ex. DME-5

ORDINANCE NO. 2009-33

AN ORDINANCE OF THE CITY OF TOMBALL, TEXAS ADOPTING THE TOMBALL COMPREHENSIVE PLAN – VISION 2030, AS THE CITY'S FIRST COMPREHENSIVE PLAN; ANALYZING SOCIOECONOMIC CHARACTERISTICS, DESCRIBING MUNICIPAL SERVICES AND FACILITIES; DESCRIBING ECONOMIC ISSUES AFFECTING DEVELOPMENT; DESCRIBING IMPLEMENTATION TOOLS; DIVIDING THE CITY INTO 11 PLANNING SECTORS; PROVIDING MAPS DESCRIBING PROPOSED FUTURE LAND USES AND RECOMMENDED LAND USE POLICIES FOR EACH SECTOR; ESTABLISHING GOALS AND RECOMMENDED POLICIES; AND PROVIDING FOR SEVERABILITY.

* * * * *

Whereas, the City of Tomball desires to ensure that future growth and development occurs in a safe, orderly, and healthy fashion, and seeks by its regulations to promote the health, safety, and general welfare of the municipality; and

Whereas, the City seeks to ensure that future development enhances community character and accurately reflects the vision and values of the community; and

Whereas, Chapter 213 of the Texas Local Government Code authorizes cities to adopt a comprehensive plan for the long-range development of the City and for use to coordinate and guide the establishment of development regulations; and

Whereas, the City Council retained a professional planning consultant to assist in the preparation of a Comprehensive Plan for the City of Tomball; and

Whereas, the City Council appointed an Advisory Committee to guide in the preparation of a Comprehensive Plan for the City of Tomball; and

Whereas, the Advisory Committee reviewed and studied recommendations made by the Planning Consultant for the Comprehensive Plan; and

Whereas, a series of more than 13 community meetings were held to receive input on the proposed Tomball Comprehensive Plan; and

Whereas, both the Planning and Zoning Commission and the City Council of the City of Tomball, Texas, have published notices and conducted public hearings regarding the Comprehensive Plan and all persons were given the opportunity to present verbal and written testimony; and

Whereas, the Planning and Zoning Commission has evaluated such Plan and has recommended approval of the plan to the City Council; and

Whereas, the City Council finds that the adoption of the Tomball Comprehensive Plan-Vision 2030 will promote the sound development of the City and the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS, THAT:

Section 1. This Plan is intended to constitute the Comprehensive Plan of the City of Tomball, Texas for all matters related to long-range guidance relative to zoning decisions, land development, thoroughfare construction, and growth management.

Section 2. The Comprehensive Plan, including the Future Land Use Plan, Circulation Plan, Economic Plan, Parks and Recreation Plan, Growth Capacity Plan, and all the maps that are attached hereto and incorporated therein for all purposes, is hereby adopted by the City Council as a guide and public policy.

Section 3. The Council reserves the right to amend the Comprehensive Plan by adding or removing components or by amending in part or in whole any components of the Plan.

Section 4. Pursuant to the authority provided in the charter and ordinances of the City, the Planning and Zoning Commission shall periodically review the projection assumptions, changing growth patterns, and planning guidelines that provide the foundation for the policies contained in the Plan and shall recommend such amendments as it deems appropriate for the purpose of keeping the Plan relevant and useful as a guide for the growth, revitalization and renewal of the City.

Section 5. All ordinances or portions thereof, of the City of Tomball, in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

Section 6. All references in City of Tomball ordinances to the Comprehensive Plan or to the Land Use Map shall henceforth refer to such as are here adopted.

Section 7. If any section or part of any section or paragraph of this Ordinance is declared invalid, or unconstitutional for any reason, it shall not invalidate or impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 16TH DAY OF NOVEMBER 2009.

COUNCILMAN QUINN
COUNCILMAN STOLL

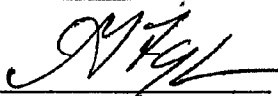
AYE
AYE

COUNCILMAN WEBB	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

SECOND READING:


READ, PASSED AND ADOPTED AS SET OUT BELOW AT THE MEETING OF
THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 7TH DAY OF
DECEMBER 2009.

COUNCILMAN QUINN	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN WEBB	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>



Gretchen Fagan, Mayor

ATTEST:



Doris Speer, City Secretary

Direct Testimony of David Esquivel, P.E.

Ex. DME-5

Acknowledgements

The Tomball Comprehensive Plan was made possible by the cooperative efforts of the Tomball City Council, Planning & Zoning Commission, Comprehensive Plan Advisory Committee, and City staff. Additionally, hundreds of Tomball's youth, residents, and stakeholders participated in involvement activities over the year-long process. Numerous presentations were made and input solicited from civic and social organizations.

The City of Tomball would like to extend its appreciation to all the citizens, property owners, community organizations, non-governmental organizations, businesses, and agencies that contributed to and participated in this effort.

Mayor and City Council

Gretchen Fagan, Mayor
Bill Webb, Mayor Pro-Tem
David Quinn
Mark Stoll
Derek Townsend, Sr.
Warren Driver

A special thank you to former Council Members Mary Harvey and Roy L. Lazenby for their support of this process.

Planning & Zoning Commission

Tom Crofoot, Chair
Lori Wallace, Vice Chair
Vincent J. O'Donnell
Preston Dodson
John Mottershaw

A special thank you to former Planning & Zoning Commissioner Brad Hallmark for his support of this process.

Board of Adjustments

John Ford, Chair
Brett Tynes, Vice Chair
Latrell Simmons Shannon
Tana Ross
Rick Tomlinson
John Lynch, Alternate
Barbara Tague, Alternate

Comprehensive Plan Advisory Committee (CPAC)

Dan Adkisson	Chris Matthews
Jackie Barnes	Chris Morris
Rick Brown	Earle Oldham
Susan Bulgawicz	Lanetta Osborne
Taylor Coleman	Kit Pfeiffer
Tom Crofoot	Jeff Presnal
Ray DeLeon	James Roberson
John Ford	Kathleen Scott
Michael Gatlin	Latrell Simmons Shannon
Brad Hallmark	Mark Stoll
Rodney Hutson, MD	Monty Stone
Rodney Light, MD	Jerald Till
Alex Loera	Tim Torres

Community Master Planners

Those community members who attended at least three events during Future Fest.

Ceci Bonnickson	Roy Lazenby
Tom Crofoot	Prakash Patel
Gretchen Fagan	Stephanie Sawyer
John Fishero	Latrell Simmons Shannon
Karen Foxworthy	Sharon Sumner
Mary Harvey	William Sumner
Marie Heffernan	Jerald Till

SPECIAL THANKS

The City of Tomball thanks the City staff and Consultants for their contributions and involvement in making Tomball a more livable community.

Tomball City Staff

Christal Kliewer, Assistant City Manager
Mark McClure, Director of Engineering and Planning
Robert Hauck, Chief of Police
David Kauffman, Director of Public Works
Randy Parr, Fire Chief
Doris Speer, City Secretary
Kelly Violette, City Planner
Rodney Schmidt, Assistant City Planner
Lori Lakatos, Assistant City Engineer
Bobby Sanders, Construction Manager/Inspector
Delia McDonald, GIS Technician
Brandy Pate, Senior Administrative Assistant

A special thank you to former city staff, Jan Belcher, Mary Coker and Monica Kohlenberg, for their many contributions to this Comprehensive Plan effort.

Tomball Economic Development Corporation

Betty Reinbeck, Executive Director

Lead Consultant

Partners for Strategic Action, Inc.

Peggy Fiandaca, AICP, President – Project Manager
Curt Dunham, CEO
Audra Koester Thomas, Senior Associate

Subconsultants

Kimley-Horn and Associates, Inc.

Joseph Willhite

Steven Ames Planning

Steven Ames, Founder

Table of Contents

Chapter 1: Introduction

Comprehensive Plan Defined	1
How the Comprehensive Plan is Used	3
Comprehensive Plan Process	5
Committee Structure	7
Phase I: Building a Strong Foundation	8
Phase II: Creating a Shared Vision	8
Phase III: Determining a Preferred Future	11
Phase IV: Setting the Plan in Motion	11
Communications Strategy	11

Chapter 2: Community Profile

Tomball Today	14
Income	14
Labor Force	14
Education	15
Housing	16
Future Growth	16

Chapter 3: Vision

Visioning Process	19
Vision 2030	20
Strong Sense of Community and Spirit of Place	20
Efficient Transportation that Connects our Community	20
A Vibrant Downtown and Heart of the Community	21
Strong Regional Center with Thriving Businesses and Jobs	21
A Safe Community that Promotes a Healthy Lifestyle	21
Abundant, Integrated Open Spaces and Natural Areas	22

Chapter 4: Land Use and Development

Introduction	23
Key Issues	24
Focus on Smart Growth	24
Oil and Gas Pipelines	25
Community Sustainability	25
Public Safety	25
Crime Prevention Through Environmental Design	26
Environmental Integration	27
Range of Housing	27
Land Use and Transportation Linkage	28
Existing Land Use and Development Patterns	28
Municipal Planning Area	28
Population Density	30
Land Use and Development (LU) Goals, Objectives, and Actions	32
Land Use Scenario Development	51
Future Land Use Plan	54
Overview	54
Projection Assumptions	54
Future Land Use Plan Philosophy	58
Interpreting the Future Land Use Plan	60
Land Use Designations	62
Residential Land Uses	62
Mixed Use Land Use	68
Old Town Land Use	69
Commercial Land Use	74
Employment-Related Land Uses	75
Parks and Open Space Land Uses	76

Chapter 5: Circulation

Introduction	79
Key Issues	82
Governing Legislation	82
Road Conditions and Maintenance	82
More Regional Travel	82
Congestion	83
Truck Traffic	84
SH 249 Expressway	84
Limited Funding for Large Roadway Projects	85
Increased Reliance on Alternative Modes of Transport	85
Circulation (C) Goal, Objectives, and Actions	86
Circulation Plan	90

Major Thoroughfare Planning	90
Designated Truck Routes	92
Context Sensitive Solutions	92
Proposed Grand Parkway	93
Alternative Street Concepts	93
Access Management	95
Pedestrian and Bicycle Network	96
Transit Options	98
Railroad Corridor	99
Complying with Federal, State, and Local Requirements	100

Chapter 6: Economic Opportunity

Introduction	103
Key Issues	104
Economic Issues	104
Economic Opportunities	106
Economic Opportunity (EO) Goal, Objectives, and Actions	111
Economic Plan	115
Land Use	115
Tax and Regulatory Structure	116
Organizational Support	116
Infrastructure and Amenity Development	116
Public Safety	117
Regional Collaboration	117
Incentives	117

Chapter 7: Parks and Recreation

Introduction	119
Key Issues	121
Passive Open Space	121
Increased Recreational Amenities	121
Pedestrian and Bicycle Pathways	121
Protecting Natural Amenities	122
Parks and Recreation (PR) Goal, Objectives, and Actions	122
Parks and Recreation Plan	125
Parks	125
Preserving Open Space	127
Pedestrian, Bicycle, and Natural Trails	128

Adopted December 7, 2009: Tomball Comprehensive Plan

Chapter 8: Growth Capacity

Introduction	131
Key Issues	132
Water Supply System	132
Drainage System	133
Aging Water and Sewer Infrastructure	133
Fiscal Policy and Planning	133
Growth Capacity (GC) Goal, Objectives, and Actions	134
Growth Capacity Plan	136
Accommodating Growth	137
Water	137
Water Treatment System	138
Water and Wastewater Impact Fees	139
Drainage System Improvements	139
Growth Staging and Annexation Plan	140

Chapter 9: Implementation

Monitoring the Plan	147
Plan Update	147
Public Engagement for Major Updates and Other Development Projects	148
Compendium	148
Plan Amendments	149
Scrivener's Errors	149
Zoning Regulations	150
Rezoning Requests	150
Existing Zoning	150
Deviations from the Plan	151
Specific Area Plans	152
Special Studies	153
Extraterritorial Jurisdiction (ETJ) Annexation	153
Neighborhood Planning	153
Deteriorating Retail Centers	153
Implementation Tools	154

Appendix

Acronyms	A-1
Glossary	A-3

LIST OF FIGURES

1-1: Comprehensive Plan Process	6
2-1: Income Distribution (2000 Census)	14
2-2: Employment by Occupation (2000 Census)	15
2-3: Educational Attainment (2000 Census)	15
2-4: Tomball's Projected Population (H-GAC)	16
2-5: Projected Regional Growth 2035 (H-GAC)	17
4-1: Tomball City Limits	29
4-2: Regional City/Town Population and Land Area (2007)	30
4-3: Population Density (2000)	31
4-4: Existing Housing Mix	52
4-5: Scenario Development	53
4-6: Future Land Use Plan Map	56
4-7: Summary Overview of Land Use Designations	57
4-8: Future Land Use Plan Projection Summary	58
4-9: Projected Housing Balance	58
4-10: Projected Employment Mix	59
4-11: Land Use Designations and Residential Densities	62
4-12: Potential Project Enhancements	63
4-13: Livable Centers Study Area	70
4-14: Public Plaza Concept	72
5-1: Existing Roadway Network	81
5-2: Levels of Service	83
5-3: Major Thoroughfare Plan	91
5-4: Context Sensitive Design Classification	94
5-5: Sidewalk, Pathway, and Trails Network	97
5-6: H-GAC Baseline System Plan	99
6-1: Potential of Mixed Use at Four Corners	110
7-1: Existing Recreational Opportunities	120
7-2: Parks and Recreation Plan	129
8-1: Annexation Priorities	140
8-2: Potential Annexation Map	141
8-3: Potential Future Land Use Pattern	144
8-4: Projected Housing Balance within Corporate Limits and ETJ	145
8-5: Projected Employment Mix within Corporate Limits and ETJ	145

Adopted December 7, 2009: Tomball Comprehensive Plan

1 Introduction

COMPREHENSIVE PLAN DEFINED

The City of Tomball, once a quiet, rural community, has become home to families, businesses, and metropolitan commuters. The Houston Metropolitan Area's growth pressures are beginning to significantly influence Tomball. The City of Tomball has grown almost 50% since 1990 and over 350% since 1970. The need to protect the community's quality of life and develop a long-term sustainable city prompted community leaders to develop the City's first comprehensive plan. Decades from now, residents and community leaders will look back at the 2009 Tomball Comprehensive Plan effort and point to the Plan as the catalyst for positive growth and a model for developing in a more strategic and economically viable manner.

The Tomball Comprehensive Plan is a statement of public policy and an expression of the community's vision. The Plan is the tool to guide and shape the community's future physical growth and redevelopment. The mission statement drafted by the Tomball Comprehensive Plan Advisory Committee states:

Using an unprecedented community and stakeholder outreach process, cutting-edge planning techniques, and a comprehensive planning approach to critical issues such as transportation, job creation and neighborhood preservation, the Tomball Comprehensive Plan is both innovative and focused on enhancing the City's quality of life and ongoing sustainability.



"Red Train" by Tomball Photo Contest winner Emily Singleton

The Comprehensive Plan provides policy-makers, staff, landowners, and residents a clear understanding of the community's desired future condition while outlining a realistic and financially responsible approach to ensure quality development aligns with the community's vision.

The Comprehensive Plan is the result of extensive research and countless hours of dialogue with citizens, stakeholders, business owners, elected/appointed officials, consultants, and City staff over a 12-month period. The goal was to draft a community vision and strategy to achieve the long-term desired future. The 2009 Comprehensive Plan is the first for the City of Tomball and serves as the foundation for ongoing community planning efforts.

A comprehensive plan is a statement of public policy and an expression of the community's vision used to guide future growth and redevelopment.

The Comprehensive Plan is a vision-based plan that embodies community values and ideas. The vision provides the yardstick that all future development will be measured against to ensure it upholds these ideals.

Texas communities receive their authority to develop and implement comprehensive plans through Chapter 213 of the Texas Local Government Code. Chapter 213 states:

"The powers granted under this chapter are for the purpose of promoting sound development of municipalities and promoting public health, safety, and welfare."

Comprehensive planning examines the needs of the community holistically to ensure that land uses are supported by infrastructure and facilities. The Comprehensive Plan includes maps that identify broad land uses (e.g. where residential, commercial, or industrial land uses should be located) accompanied by policies described in the text of this document that indicate how the land uses will be implemented and integrated into the larger community.

Zoning is a land use regulatory tool to classify districts or parcels of land.

The Comprehensive Plan is not zoning. Zoning is a regulatory tool that is used to *implement* the Comprehensive Plan. Zoning identifies districts or smaller pieces of land and regulates how land can be used. Zoning is used to protect the community's health, safety, and welfare by regulating the placement of buildings or development on the land, height, bulk, and coverage of structures within each zoning district. Traditional zoning districts are sections of land within a city that are designated for certain development, such as

residential, commercial, or industrial. The Tomball Zoning Ordinance was adopted on February 4, 2008 (Ordinance No. 2008-01) and the current zoning map should be referenced when determining appropriate zoning for a piece of property and regulations within each zone.

HOW THE COMPREHENSIVE PLAN IS USED

The Comprehensive Plan will be used when reviewing any development or redevelopment project occurring within Tomball's incorporated boundaries. The Plan is more than a land use map – it is a policy document. Both the text, as well as the appropriate maps, should be evaluated when determining consistency with the Plan. Annexations, zoning cases, development agreements, or redevelopment activities should align with the Plan's guidelines. Before any rezoning request can be approved, the project must be considered within the context of the Plan. It is the responsibility of the applicant to ensure compatibility with the Plan's vision, goals, policies, and maps. If the development request is inconsistent with the Tomball Comprehensive Plan, Chapter 9 ("Implementation") explains amendment procedures. It is impossible to create the perfect plan or zoning regulations to address every possible situation that might arise over time; that is why both the Plan and the Zoning Ordinance will be reviewed, updated, and modified regularly as Tomball evolves.

The Comprehensive Plan can assist Tomball City Council and staff in ensuring that public improvements and facilities are developed to meet community needs. Additionally, it can serve as a guide for City service planning, budgeting, and capital improvements. Additional special studies, reports, ordinances, and policies may be developed as part of ongoing community development efforts and should reference the Comprehensive Plan.

The Comprehensive Plan is a dynamic tool to assist landowners and citizens in making decisions about their property. It provides valuable information and is a great educational tool about the future physical layout and land use pattern as well as how development should occur over time. The Plan can inform decision

makers about how to use land most efficiently and ensure compatibility with surrounding land uses.

Other key components of the Tomball Comprehensive Plan include:

Community Profile: Provides an understanding of the current socioeconomic trends of Tomball.

Vision: Establishes the foundation that the Tomball Comprehensive Plan is built upon.

Chapters: Provides the framework for the Tomball Comprehensive Plan. Collectively, these chapters determine how Tomball will manage development and make future community decisions. The various chapters address important aspects of community planning:

- Land Use and Development
- Circulation
- Economic Opportunity
- Parks and Recreation
- Growth Capacity
- Implementation

Within each of the chapters, Goals, Objectives, and Actions are included.

Goals are broad expressions of the type of community desired by the people who live, work, and play in Tomball. The goals will guide the long-range development of the community. Goals provide general direction and serve as a description of a desired future. Typically, goals are ongoing and timeless. Goals are fundamental and provide the “big picture” of what the City wants for its future.

Objectives are defined as a desired end that relates to a stated goal, which if accomplished in conjunction with other actions, causes a goal to be achieved.

Actions are governing principles that directly implement the City of Tomball's goals and vision statement. Actions are statements of definite course.

COMPREHENSIVE PLAN PROCESS

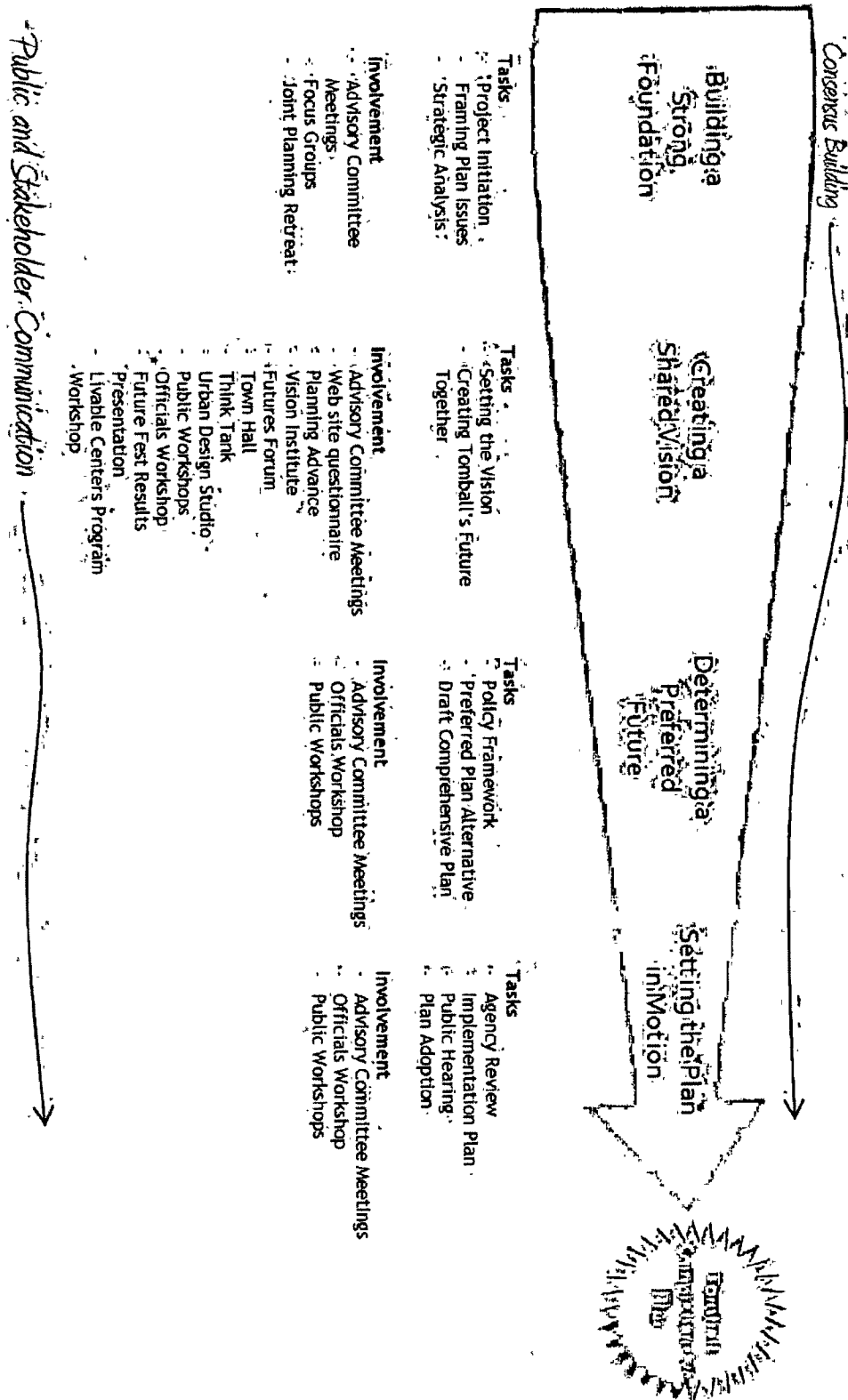
The Comprehensive Plan public involvement process ensured that a wide range of citizens, landowners, business people, agencies, and other stakeholders were engaged in the entire planning process. The proactive and widespread outreach and communication effort was unprecedented for the City of Tomball and was critical to the Plan's success. Over 1,700 people attended public events or served on committees and it is anticipated the process reached 10,000 people through communication efforts such as the project e-Newsletters, newspaper articles, public presentations, and the project Web site.

The decision to create the Tomball Comprehensive Plan was made by the City Council in summer 2008. Proposals from numerous consulting firms were received and reviewed. After extensive evaluation of consultant proposals and interviews, the City selected Partners for Strategic Action, Inc. as the lead consultant with support from Kimley-Horn & Associates, Inc. and Steven Ames Planning. The project kicked off in December 2008.

As depicted in Figure 1-1, the Comprehensive Plan process was organized around four key phases:

- Building a Strong Foundation
- Creating a Shared Vision
- Determining a Preferred Future
- Setting the Plan in Motion

Figure 1-1: Comprehensive Plan Process



Committee Structure

The Comprehensive Plan **Core Team** met nine times during the process and was comprised of key City staff members and the consulting team. The Core Team was responsible for overseeing the planning process and working closely with the consulting team and Project Manager. Throughout the process, the Core Team:

- Provided appropriate background information and project data;
- Identified potential stakeholders and their perspectives;
- Reviewed and commented on interim documents; and
- Provided continuous feedback on the project approach, process, and products.

The **Comprehensive Plan Advisory Committee (CPAC)** was appointed by the City Council in November 2008 and met eight times during the process. 26 residents and interested stakeholders served on the CPAC and assisted in the Plan's development. The CPAC provided continuous feedback and direction to the process. Meetings were posted in accordance with state law and several of the CPAC meetings were conducted jointly with the City Council, Planning & Zoning Commission, and Board of Adjustments.





Phase I: Building a Strong Foundation

This phase was implemented to reach agreement on an effective planning process and to understand community issues. One of the key products produced during this phase was the *Tomball Compendium*, a compilation of physical and socioeconomic information that provided a good understanding of existing conditions. Other activities included hosting **Focus Groups**. Four focus group meetings were conducted to understand issues and opportunities facing Tomball. Participants with expertise or interest within the following areas were invited to participate: healthcare, finance, retail, and homeowners associations.



Phase II: Creating a Shared Vision

This planning phase created the community vision, explored possible future community opportunities, and developed land use scenarios that were discussed and evaluated by the community.

Planning Advance Meeting – A meeting with the City Council, Planning & Zoning Commission, and CPAC members was held to discuss vision, values, and planning parameters that would set the stage for the planning process.

Vision Institute – The Vision Institute introduced the Comprehensive Plan effort to the public. This public meeting helped discover what residents envisioned for the future of their community. 26 people participated in this event.

Youth Interviews – Interviews with over 100 youth at Tomball High School were conducted to identify values and a vision for Tomball's future.

Online Listening Session – Participants provided feedback on basic planning principles and how Tomball should develop. 33 people completed the online listening session.

Tomball College Think Tank #1 – The Think Tank engaged professors and students at Lone Star College-Tomball to discuss possible community futures and opportunities that could be explored in the Tomball vision. 22 people participated in Think Tank #1.



Livable Centers Program Workshop – A workshop with consultant team members and staff was conducted to discuss joint project goals and outcomes. Because the *Livable Centers Downtown Plan* developed alternatives for Downtown Tomball, coordination of these two processes was crucial.

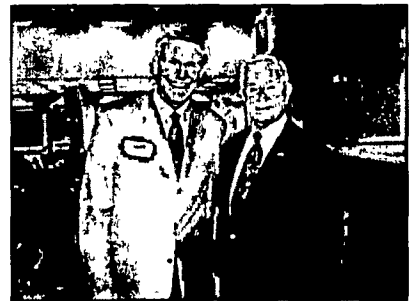


Tomball College Think Tank #2 – The Think Tank engaged professors and students at Lone Star College-Tomball to discuss possible community futures and opportunities that could be explored in the Tomball vision. 10 people participated in Think Tank #2.

Youth Recreation Planning – The planning team met with nearly 250 Tomball High School students. Youth used maps of Tomball to locate parks, open space and trails, and desired amenities.

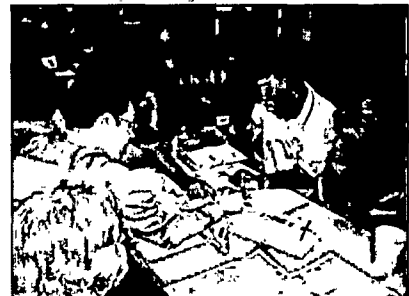


Group Presentations – Presentations were made to local groups to explain the Comprehensive Plan, to provide education about planning concepts, and get residents excited about the Comprehensive Plan. Group presentations were made to the Tomball Economic Development Corporation's Business Luncheon, Tomball Lions Club, Tomball Rotary Club, Greater Tomball Area Chamber of Commerce Government and Legislative Affairs Committee, Greater Tomball Area Chamber of Commerce Mobility and Transportation Committee, and others.



Future Fest – This week long event had several purposes including finalizing the vision, developing ideas for several special planning areas, and receiving feedback on potential land use and transportation alternatives for Tomball's future. In total, 132 individuals participated in Future Fest activities. Nearly 100 others joined the planning team at meeting presentations, in youth planning activities, and other events during the week. Future Fest activities included:

- **Futures Forum** – The Futures Forum kicked off Future Fest and set the stage for the week's discussions and activities. Tomball's strategic opportunities were presented and guest speakers Mayor Tom Reid of Pearland and Houston-Galveston Area Council (H-GAC) Community and Environmental Planning Director Jeff Taebel discussed the





importance of effective community planning based on a strong consensus vision.

- **Town Hall Meeting** – The Town Hall Meeting engaged participants in discussions related to applying the values and vision identified to date to potential future alternatives. In small groups, participants used markers and map game boards to identify open spaces, regional parks, Downtown improvements, activity centers, business parks and industrial areas, general office developments, sidewalks and trails, an area-wide trolley route, and roadways that would need to be improved or constructed. In addition to the land use exercise, participants were asked to comment on the draft vision and provide feedback on the following potential features for Tomball's future: airport, commuter rail, bike lanes, commuter bus, welcome gateways, and pursuing the implementation of a commuter rail station.
- **Youth Planning** – The planning team met with Tomball Intermediate and Junior High students to identify issues that were most important to them and the future of Tomball.
- **Urban Design Studio** – The planning team worked from the Community Center to create potential design alternatives for specific areas of the City. The public was invited to stop by to review the design schemes and provide input. During the Design Studio, two Brown Bag Lunches were held, allowing participants to chat with the planning team over lunch about recreational and economic development opportunities.
- **Future Fest Results Presentation** – The final event of Future Fest was the Results Presentation where the planning team presented the work completed from the week's activities. Through a comprehensive presentation, the team illustrated how the Plan could manifest the community's shared vision. This event provided an opportunity for participants that were involved earlier in the week to see how their ideas were used and for those that could not attend to see the results and provide input. Two major products that were presented at the Future Fest Results Presentation were the revised vision based on the feedback received during the Future Fest and the Composite Vision Map that represented



the combined feedback created in the land use exercise during the Town Hall Meeting.

Alternatives Workshop – Using the input received during the Future Fest, three land use alternatives were developed and presented to staff, elected/appointed officials, and the public for review and comment. 30 individuals registered at the Alternatives Workshop.

Phase III: Determining a Preferred Future

This planning phase developed the policy framework and refined the land use and circulation plan based on technical analysis and public review.

Developer's Breakfast – The Tomball Economic Development Corporation hosted a Developer's Breakfast to provide an overview of the Comprehensive Plan process and to receive feedback on the draft Preferred Land Use. 31 developers, brokers, and real estate agents participated in the breakfast.

Preferred Alternative Workshop – Tomball's draft Preferred Land Use Alternative was presented to the public and comments were received to further refine the future land use map. 24 individuals registered at the Preferred Alternative Workshop.

Phase IV: Setting the Plan in Motion

The last process phase was to review and solicit input on the Draft Tomball Comprehensive Plan.

Public Hearings – Public hearings were held with the Planning & Zoning Commission and City Council prior to the Comprehensive Plan's adoption.

Communication Strategy

Effective communication was critical throughout the planning process. The communication strategy was intended to keep the public informed about the process, educate about key planning

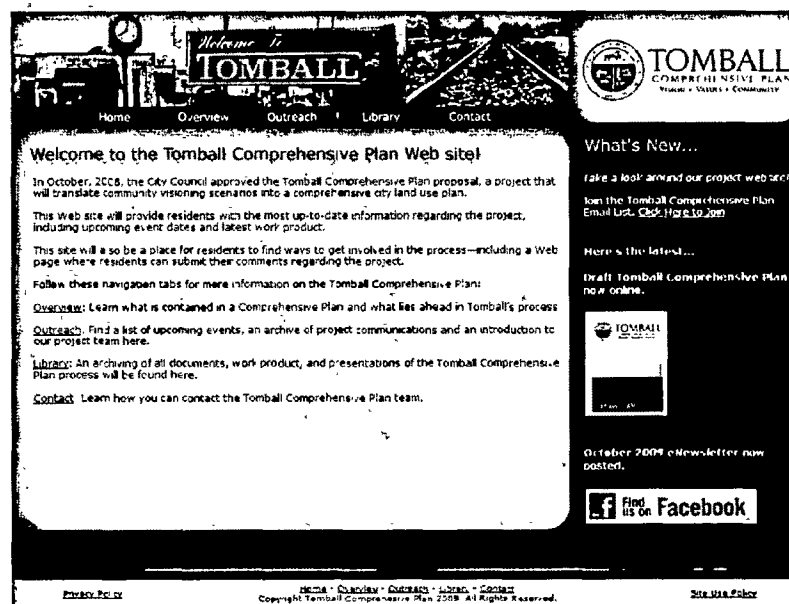
concepts, document important project steps, and solicit participation and input. In addition to articles in local newspapers, the communication strategy focused on distribution of the project eNewsletter and use of the project Web site.

Through every process phase, the focus was on consensus building through broad communications and involvement efforts.

Project Web site – In January 2009, the Tomball Comprehensive Plan Web site, www.PlanTomball.com, launched. The Web site provided information regarding meetings, events, interim products, maps, and updates on the planning process. The Web site was also used to solicit input; interested parties could submit comments through the Web site by contacting the planning team. The City of Tomball Web site also had a link to the project Web site.

Project eNewsletter – The Tomball eNewsletter was distributed monthly, providing project updates and event announcements. A comprehensive database was developed early in the process and expanded as the process evolved. The eNewsletter was distributed to nearly 1,300 people and through partnering organizations.

Facebook – Interested individuals could follow the planning process through the Comprehensive Plan's Facebook page. The project Facebook page had over 50 members.



Community Profile

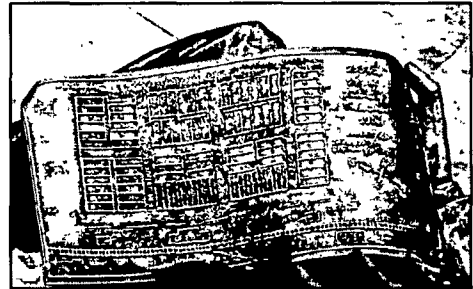
2

The Tomball area is rich with history documented as early as the 1820's. In 1836, General Sam Houston led the Texas Army through the New Kentucky settlement located on Spring Creek. At this site, General Houston made the decision to retreat ahead of the large Mexican army by marching to Harrisburg, now known as Houston, and on to the battle of San Jacinto where Texas won her independence from Mexico. By 1861, cannon powder for the Confederate Army was being made on Spring Creek at the Spring Creek Powder Mill. The mill was destroyed in 1863, by an explosion.

Later the farming settlement became known as Peck and had one of the few train stations located between Fort Worth and the port of Galveston. Peck was a regional trade center with amenities including a freight terminal, telegraph office, water station, and stock pens.

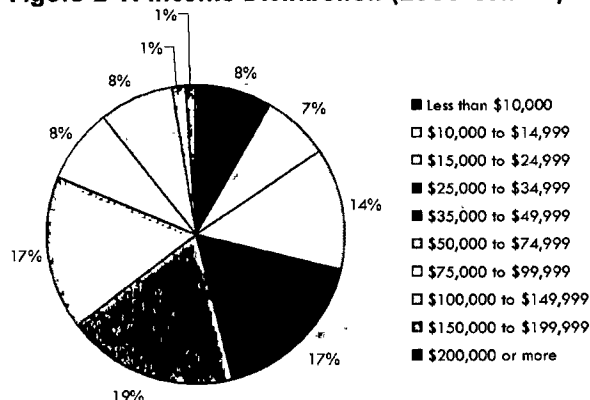
On December 2, 1907, Peck was renamed Tomball to honor Thomas Henry Ball, a four-term congressman who was instrumental in routing the Houston/Dallas railroad through the community. On May 27, 1933, drillers struck oil and soon dozens of oil and gas companies were coming to Tomball. One of those companies, Humble Oil and Refining Company (now Exxon Mobil Corporation), built housing developments and provided recreational amenities and facilities for its workers.

Tomball was officially incorporated in 1933 at a population of 665. Tomball adopted its home rule charter in 1987 and today is organized as a council-manager form of government.



1906 map of Peck, Texas

Figure 2-1: Income Distribution (2000 Census)



TOMBALL TODAY

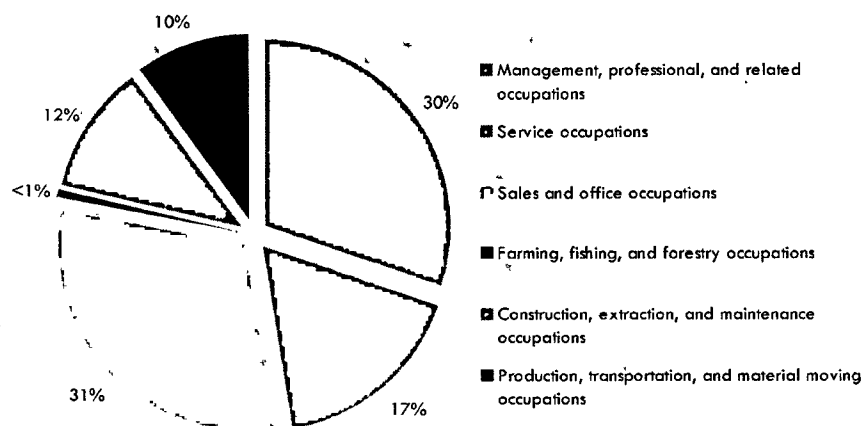
Utilizing data from the 2000 Census, the following demographic information provides a brief review of Tomball's social and economic condition.

Income

Figure 2-1 depicts income distribution figures in Tomball. The per capita income in the City of Tomball was \$20,331, which is 5.2% lower than the Harris County per capita income of \$21,435. In respect to full-time workers, the male median income was \$38,059 while female median income was \$26,799. The median household income in Tomball was \$37,787, which trails the Harris County and State of Texas figures of \$41,922 and \$41,645 (2004), respectively. As of 1999, 4.5% of families and 7.3% of individuals living in Tomball were living in poverty.

Labor Force

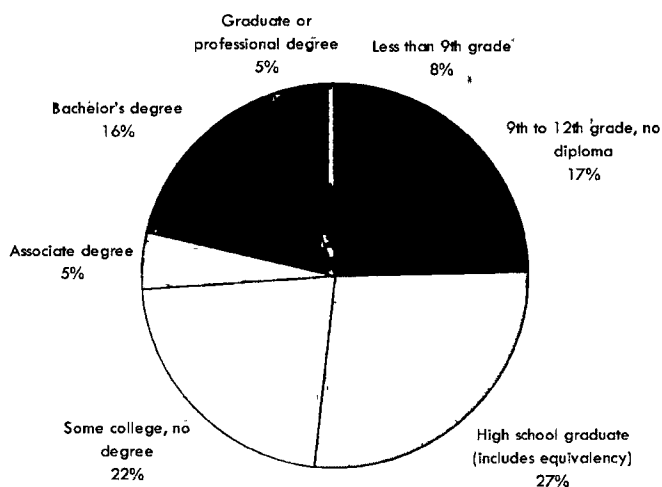
The labor force participation rate within the City of Tomball is 66.9%, which is marginally higher than the Harris County figure of 65.6%. The largest percentage of population is employed in management and sales occupations, accounting for 60.8% of the labor force (Figure 2-2). The City of Tomball's largest two occupations are management and sales, each comprising over 30% of the labor force largely at the following area employers: Hewlett Packard, Tomball Regional Medical Center, Tomball Independent School District, Lone Star College—Tomball, and BJ Services.

Figure 2-2: Employment by Occupation (2000 Census)

Education

Tomball Independent School District (TISD) and the many private and parochial schools in the community combined provide one of the best education environments in Texas. In 1982, TISD joined the community college district, and in 1988, the Tomball campus of Lone Star College opened. Lone Star College recently acquired portions of the Hewlett Packard North Campus (formerly the Compaq World Headquarters) south of Tomball for additional expansion opportunities, including a new University Center.

Education attainment of Tomball residents is comparable to the averages of Harris County. Approximately 75% of the population has graduated high school and 21.5% have at least a bachelor's degree. Figure 2-3 depicts educational attainment in Tomball.

Figure 2-3: Educational Attainment (2000 Census)

Housing

The City of Tomball experienced population growth of over 42% from 1990 to 2000. Similarly, the number of occupied housing units grew by approximately 1,300 in that same period, equating to an increase of 47%. Unlike other Houston suburbs such as Sugar Land and Pearland, the City of Tomball is primarily a renter's market, with renter-occupied housing rates of 59% and 57% in 1990 and 2000, respectively. Other surrounding suburbs of the City of Houston have renter-occupied housing rates ranging from 15 to 30% in this same time period. In meetings with some of Tomball's largest employers, a need for quality and diverse housing options was routinely mentioned as many employees live outside of Tomball.

FUTURE GROWTH

Tomball's population has grown dramatically since the early oil boom days. The estimated 2007 population, according to the 2007 Population Estimates division of the United States Census Bureau, was 10,281, representing an annual growth rate of approximately 2%. Houston-Galveston Area Council (H-GAC) estimates Tomball's population to grow to nearly 20,000 by 2030 (Figure 2-4) as growth in the entire region continues (Figure 2-5). The Comprehensive Plan will help to address how development will occur in Tomball as regional growth pressures continue.

Figure 2-4: Tomball's Projected Population (H-GAC)

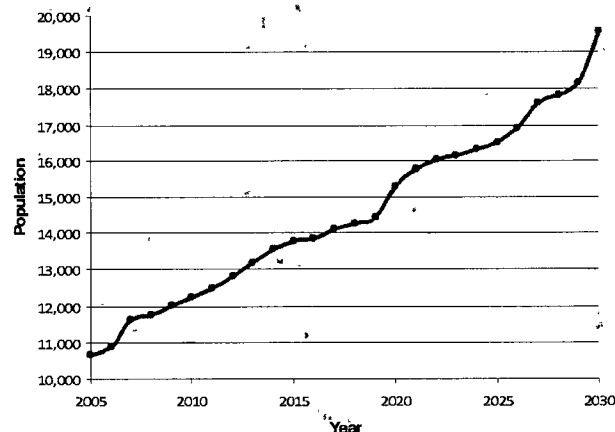
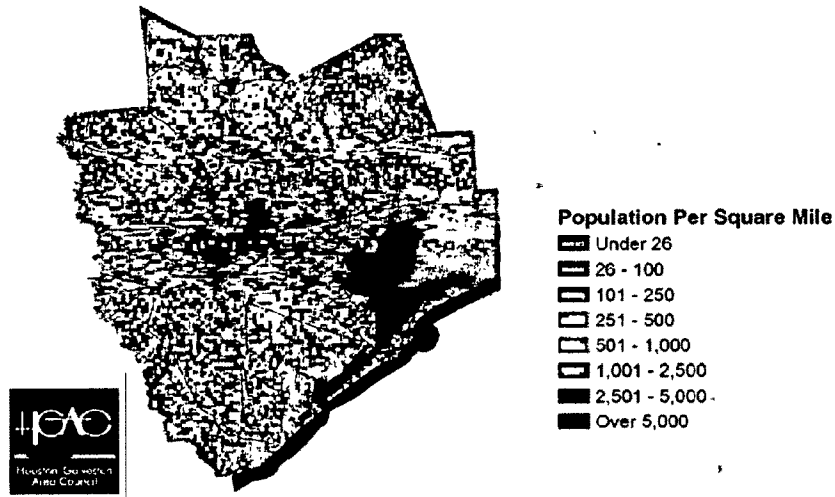


Figure 2-5: Projected Regional Growth 2035 (H-GAC)



Additional information can be found in the *Tomball Comprehensive Plan Compendium of Existing Conditions* (April 2009).

A **compendium** is a concise, yet comprehensive, compilation of existing conditions data and related information.

Chapter 2: Community Profile

Sources:

City of Tomball (2008, 2009)
Houston-Galveston Area Council (2009)
The Handbook of Texas Online (2009)
Tomball Economic Development Corporation (2009)
United States Census Bureau (2000, 2007)



VISIONING PROCESS

The Tomball Vision Statement was crafted through public dialogue over several months. As mentioned in Chapter 1 ("Introduction"), the first round of public involvement activities for the Comprehensive Plan was initiated to create a shared vision for Tomball. In March 2009, the Tomball Vision Institute was held to introduce the Comprehensive Plan effort to the public and to discover what residents envisioned for the future of their community. On March 10 and 11, vision interviews were held at Tomball High School. The purpose of the interviews was to identify the values and vision of Tomball's youth. A final element of this phase of the project was an online listening session, where participants provided feedback on basic planning principles and how Tomball should develop.

As a result of the Vision Institute, several core vision concepts emerged including rural heritage, regional growth, connectivity, economic development, open and natural spaces, sense of community, safety and health, and a vibrant Downtown. The planning team took these core vision concepts and developed a draft vision for Tomball. In May 2009, during the second round of public involvement, participants fine tuned the vision and by the end of Future Fest, a consensus Vision 2030 had been developed. In total, nearly 300 youth, leaders, residents, and stakeholders had contributed to the development of the shared vision for Tomball.



Participants of the Tomball Vision Institute



Participants of the Town Hall Meeting

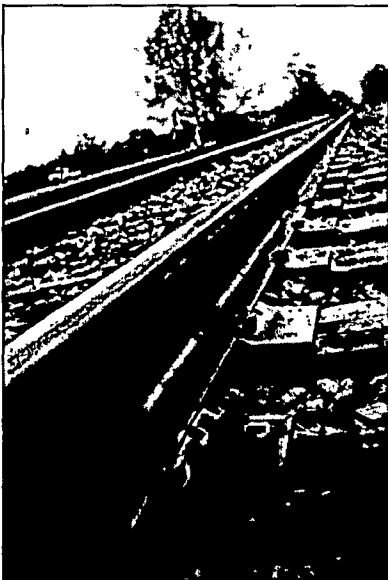
VISION 2030



Tomball in 2030 is a place where people make great connections – with families, friends, neighbors, through schools, jobs and businesses, to govern, worship, and celebrate. Our community has grown in an attractive, balanced, and well-managed way from a small farm-to-market town to a 21st century commerce center, maintaining its hometown feel and character while creating new amenities, services, and opportunities. Our strong values keep us focused on what is important – family, community, heritage, health, education, and environment. Tomball is a vibrant and healthy City we are proud to call home.

IN 2030 TOMBALL HAS:

Strong Sense of Community and Spirit of Place



Tomball's sense of community is strengthened by the many connections people have with their families, friends, neighbors, and places of worship. Our residents have opened their hearts and homes during emergencies and welcomed friends and strangers in times of need. Tomball's history, strong neighborhoods and schools, and commitment to ensuring that the future is brighter than today reflects our spirit of place and sets us apart from other communities.

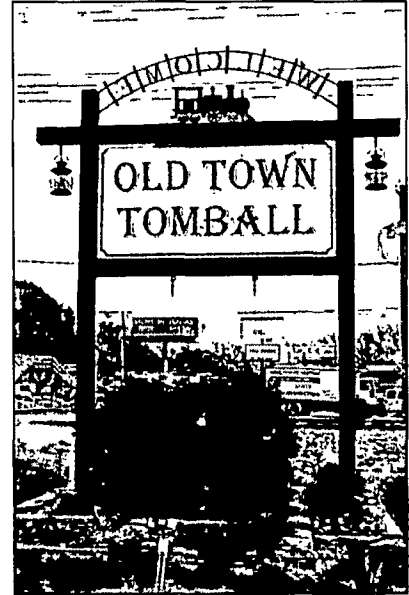
Efficient Transportation that Connects our Community

Tomball has greatly improved its transportation system by promoting the safe and efficient movement of people and goods within and throughout the City and region. Transportation choices provide residents and visitors the freedom to get around the community easily, safely, and economically. From sidewalks to bike

paths to bus and rail transit, Tomball is a well-connected community with a comprehensive multimodal transportation system.

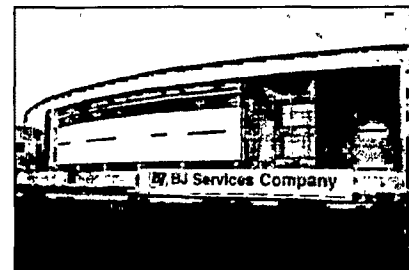
A Vibrant Downtown and Heart of the Community

Tomball's vibrant Downtown is a special place that is the pride of local residents and the gem of our community. Careful revitalization of Downtown Tomball has supported local businesses and attracted residents and visitors alike, bringing growth, prosperity, and vitality to the historic heart of our community. Downtown is recognized as one of Tomball's great civic spaces that has grown and changed over time while maintaining the community's hometown feel.



Strong Regional Center with Thriving Businesses and Jobs

Tomball has a diverse range of desirable businesses with both small and large employers creating a full range of jobs. Building on our commerce oriented history and strategic location and assets, Tomball is a competitive destination for new companies and an incubator for thriving, entrepreneurial, homegrown businesses. We are recognized for our outstanding regional medical facilities and quality education and training institutions.



A Safe Community that Promotes a Healthy Lifestyle

Tomball's quality of life is bolstered by its sense of security, cleanliness, access to quality medical services, and the ability to live a healthy lifestyle. Community decisions are dedicated to improving public health, safety, and general welfare. Through its development standards, place-making initiatives, capital improvements, and recreational events and programs, Tomball is focused on ensuring a safe, clean City where residents and families can walk, be outdoors, and enjoy healthy activities.





Abundant, Integrated Open Spaces, and Natural Areas

Tomball's native forests and towering trees are an integral feature of our natural and built environments. We have preserved natural areas and open spaces, ensured green spaces within the City, and provided connections to those natural spaces to encourage outdoor recreation. Community activities provide many ways for our residents to connect to their community and environment. Tomball is committed to ensuring that future generations have access to and enjoy the beautiful outdoors.

Land Use and Development



INTRODUCTION

The Tomball Comprehensive Plan provides direction to ensure a long-term, orderly, and sustainable community development pattern. Dr. Jonas Salk, developer of the polio vaccine, once said "Our greatest responsibility is to be good ancestors." This statement captures the essence of the Tomball Comprehensive Plan. Though Dr. Salk's point of reference was focused on the importance of protecting and improving people's health, the planning context reflects the responsibility that community decision making must consider when planning for future generations. Both perspectives have a profound impact on the health, safety, general welfare, and quality of life of individuals and communities.

The Plan is a forward-thinking document exploring the future form of the community at the point when most of it has been developed and identifies short-term actions that need to be taken along the way. The Comprehensive Plan cannot predict the future or determine specifically how market trends will unfold. However, the Plan does provide guidance for the community to use in managing growth and making decisions about how Tomball will grow and redevelop over time. The 2030 planning horizon does not suggest that the community will be "built out" by that time. Build out does not occur at any certain date since development and growth are dependent upon cyclical market trends and private property owner interests. The planning horizon provides the shorter term target for strategies to be created around. Build out is defined as all land within the planning area being developed with appropriate land uses.

<p>Build out occurs when all land within the planning area has been developed according to appropriate land uses.</p>
--

Decisions made regarding where and how development occurs within Tomball impacts everyone. Things that residents care about – public health and safety, schools, taxes, the environment, economic growth, fairness, opportunity, etc. – are all affected by development decisions. From the length of daily commutes to the quality of new homes to the safety of neighborhoods, what, where, and how the community builds has major impacts on Tomball residents daily lives.

Chapter 4 (“Land Use and Development”) outlines concepts for Tomball to ensure well managed, smart growth strategies that create new neighborhoods while maintaining existing ones that are attractive, convenient, safe, and healthy. It encourages quality design and protection of the environment that residents value while stimulating economic growth and the rebirth of Downtown Tomball. Most of all, Chapter 4 (“Land Use and Development”), and ultimately the entire Plan, creates more choices for residents, businesses, workers, children, visitors, families, and elders in where to live, where to set up businesses, how to get around the community, and how to recreate or interact with people around them. The concepts are intended to preserve the best of Tomball’s past, embodied in its hometown spirit, while creating a bright future for generations to come.

KEY ISSUES

Focus on Smart Growth

According to Smart Growth America, “Growth is smart when it gives us great communities, with more choices and personal freedom, good return on public investment, greater opportunity across the community, a thriving natural environment and a legacy we can be proud to leave our children and grandchildren.” Chapter 4 (“Land Use and Development”) provides actions in order to achieve neighborhood livability, improved mobility, and enhanced traffic flow to build a thriving community.

Oil and Gas Pipelines

The oil and gas industry has created an economic engine within Texas that has become known world-wide. Unfortunately the unintended consequence of this industry has been the proliferation of pipelines and wells that impede the development of parcels of land for other purposes, either through regulation due to proximity or through the creation of “dead zones” that makes parcels untenable for other purposes. Although the Texas Railroad Commission regulates oil and gas pipelines and wells throughout Texas, the Commission has failed to provide an appropriate framework for the balancing of the interests of the oil and gas industry with the other property owner and public interests, such as the need to create economic opportunities or housing options through the development of lands within the corporate limits of municipalities. As the City of Tomball continues to examine its local regulations, a careful look at any revisions made by the Texas Railroad Commission’s stance on development and regulations is advised so that the City is at the forefront of these issues when new development opportunities arise.

Community Sustainability

Sustainability is not a static concept; it is achieved over time. Ensuring economic viability is critical for Tomball’s long term success. Concern was expressed by residents during the comprehensive planning process that a balance must be achieved between retail, residential, and employment-related land uses. Developing and monitoring the appropriate mix of land uses is the outcome of implementing the Comprehensive Plan.

Public Safety

As a regional hub, considerable truck and train traffic flow through Tomball on a daily basis. Additionally, existing and projected industrial and employment development is anticipated. The City of Tomball will evaluate development proposals to ensure that residents and property are protected and the community is prepared to respond to emergencies.

Crime Prevention Through Environmental Design (CPTED) is a multi-disciplinary approach to deterring criminal behavior through environmental design.

Crime Prevention Through Environmental Design (CPTED)

Preventing or reducing crime is a recognized component of the City's quality of life. CPTED asserts that communities, builders, and homeowners can play a greater role in protecting the community and themselves from crime by integrating CPTED principles and concepts into design and management of the physical environment.

There are four principles of CPTED that Tomball will apply when reviewing development proposals and implementing public projects.

Natural Surveillance

Criminals do not want to be observed; surveillance or the placing of legitimate "eyes on the street" increases the perceived risk to offenders if those observing are willing to act when potentially threatening situations develop. Natural surveillance works on the same premise by putting more people (observers) near a potential crime area. Windows, lighting, and the removal of obstructions can be placed to improve sight lines from within buildings.

Natural Access Control

This principle relies on doors, fences, shrubs, and other physical elements to keep unauthorized persons out of a particular place if they do not have a legitimate reason for being there. A variety of techniques can be applied including adequate locks, doors, window barriers, properly located entrances/exits, fencing, lighting, signage, paving textures, etc. Because any strategy that fosters access control is also likely to impede movement, careful consideration should be given to access control strategies. Such strategies may limit the opportunity for crimes, but should not hinder the mobility of potential victims.

Territorial Reinforcement

People naturally protect a territory that they feel is their own and have a certain respect for the territory of others. Establishing boundaries between public and private areas by utilizing physical elements such as fences, pavement treatments, art, signs,

landscaping, and good maintenance not only express ownership but assist in identifying intruders.

Maintenance and Management

The more dilapidated an area, the more likely it is to attract unwanted activities. The maintenance and the “image” of an area can have a major impact on whether it will become targeted. Maintenance and management need to be considered at the design stage, as the selection of materials and finishes will impact on the types of maintenance regimes that can be sustained over time. For example, plant material should be selected for its size at maturity to avoid blocking sight lines.

Environmental Integration

Trees are an important community asset and provide a rural feel that is a component of the community’s quality of life. Tomball neighborhoods have mature trees and landscaping that residents value. However, newer residential and commercial developments have not effectively integrated trees and native vegetation into their projects. Residents stressed during the comprehensive planning process that the Plan must identify ways to conserve land and integrate the natural environment with the built environment.

Range of Housing

Diverse residential options in a variety of neighborhoods are desired in Tomball. College students, seniors, and business professionals identified a lack of housing choices in Tomball to meet their needs. Residential development that includes a range of options, from large rural estate properties to patio homes and urban-like lofts, is needed to meet the diverse needs of residents. Chapter 4 (“Land Use and Development”) strives to ensure that everyone such as young adults can purchase a quality first home and move up in, not out of, Tomball as their family grows and life transitions.

Land Use and Transportation Linkage

Residents expressed concern about the congestion along FM 2920 and other roadways. Careful attention is required to ensure that land uses are served by adequate transportation choices. This chapter promotes development patterns that provide efficient multimodal and regional connectivity.

EXISTING LAND USE AND DEVELOPMENT PATTERNS

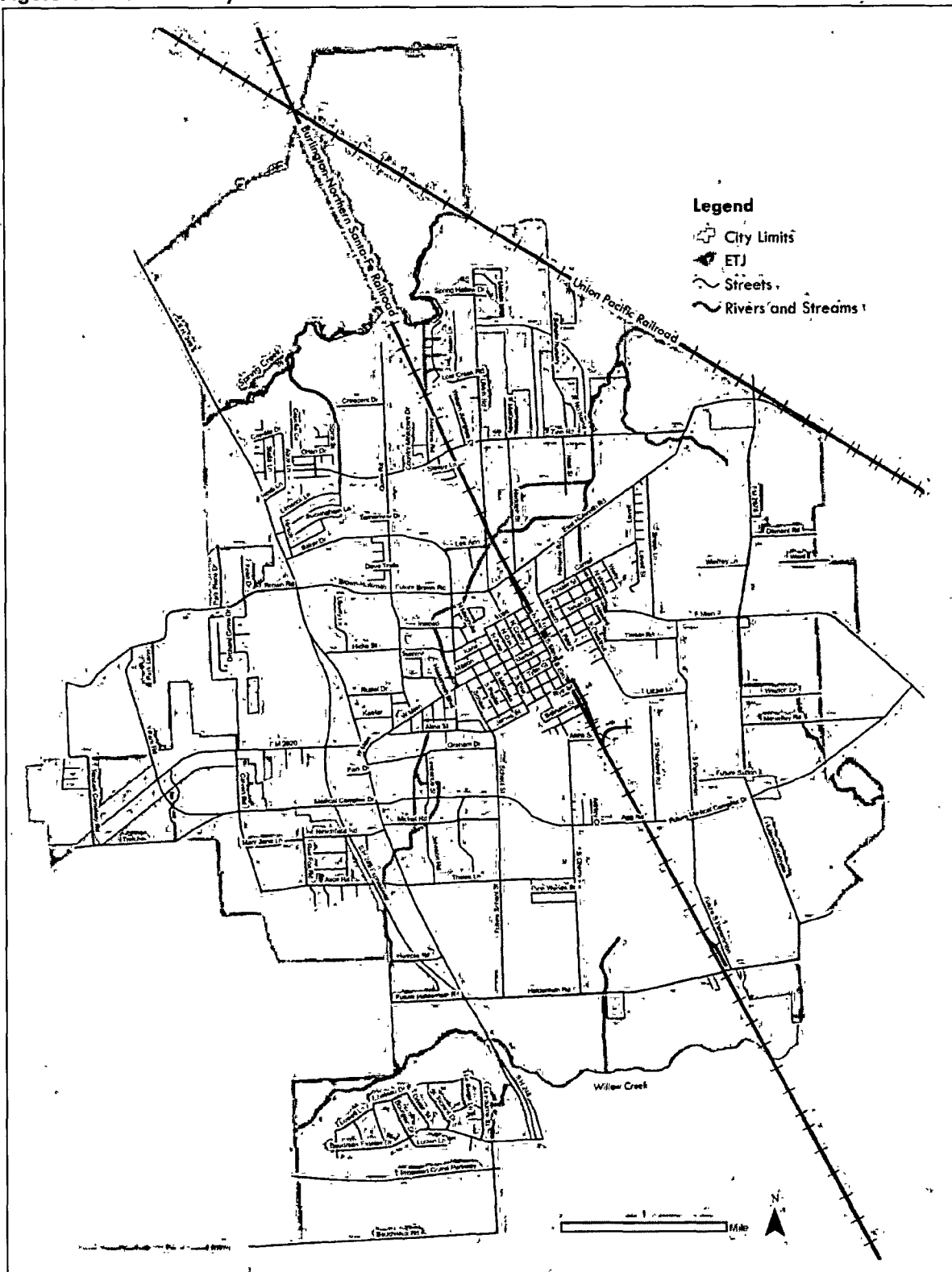
Municipal Planning Area

Municipal planning area is the combined area of the incorporated city and extraterritorial jurisdiction.

The **extraterritorial jurisdiction** (or ETJ) is the land beyond the city's limits that the city has limited governing authority and may annex.

Figure 4-1 illustrates the city limits of Tomball as well as its extraterritorial jurisdiction (ETJ). An ETJ is the area adjacent to the corporate limits of a city in which a city may annex. Because areas within a city's ETJ are subject to annexation, additional jurisdictional powers such as the platting of property provide a city with the authority to regulate the planning and construction of certain facilities to ensure that they meet existing municipal development and construction standards.

Figure 4-1: Tomball City Limits



Adopted December 7, 2009: Tomball Comprehensive Plan

29

The land area of the City of Tomball is approximately 10.2 square miles and has an estimated population of 10,281 as of 2007. Figure 4-2 summarizes Tomball's respective population and land area compared to other suburbs of the greater Houston area.

The city limits of Tomball are generally defined by Spring Creek and the Union Pacific rail line to the north, Hufsmith-Kohrville Road to the east, Holderrieth Road to the south, and an irregular boundary to the west not delineated by a definable transportation corridor or natural feature.

Figure 4-2: Regional City/Town Population and Land Area (2007)

City/Town	Area	Population
	(square miles)	(rounded to the nearest 1,000)
Baytown	32.7	70,000
Humble	9.9	15,000
Jersey Village	3.4	7,000
Katy	10.7	13,000
Missouri City	29.7	74,000
Pearland	39	45,000
Shenandoah	1.3	2,000
Spring	24	41,000
Sugar Land	24.1	79,000
Tomball	10.2	10,000

Density is a measure of people or buildings in a particular area.

Population Density

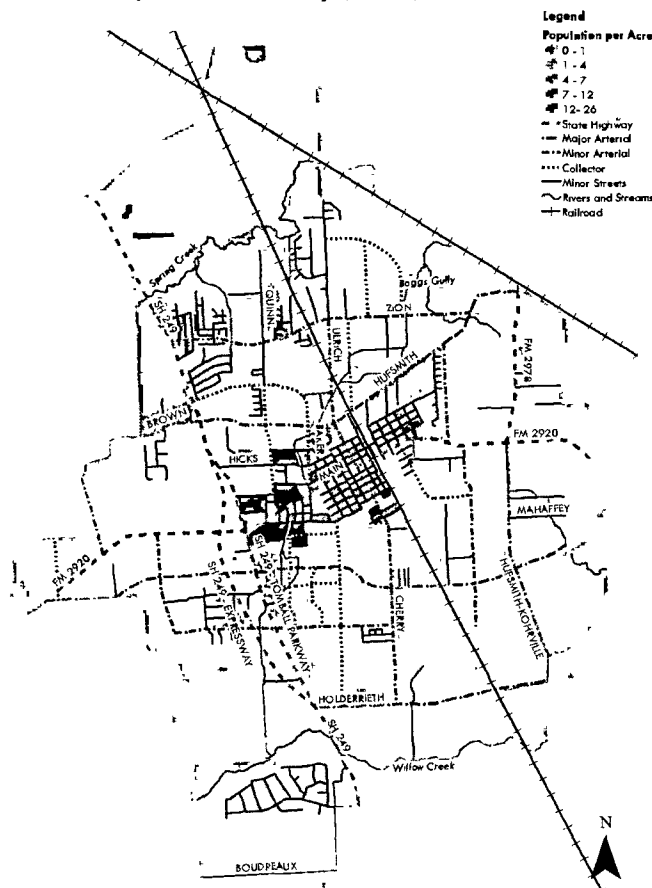
"Density" is used to measure and compare the number of people or buildings in a given area. It is often determined on an acre or square mile basis. Density often relates to how a community or neighborhood feels or looks. How an area is planned has a lot to do with how it is perceived and it does not always relate directly to the number of people or buildings. A range of different densities in a community provides choices for residents and businesses to locate.

In addition to how a community feels or looks, density has direct economic impacts such as the cost of providing services. Providing utilities like water, gas, and sewer service is typically more expensive on a per unit basis when a given area has very low density.

Finally, density often has little to do with the quality or value of development. New York City has over 26,000 people per square mile (41 people per acre) and it has some of the most expensive real estate in the United States. On the opposite end of the density scale, there are many low density projects that are undesirable places to live. Development project quality and value are not defined by density alone. More important factors are the project's design character, amenities, location, and relationship to surrounding land uses.

Using the 2007 Census population of 10,281, Tomball's current average density is 1,008 people per square mile (less than 2 people per acre).

Figure 4-3: Population Density (2000)



LAND USE AND DEVELOPMENT (LUD) GOALS, OBJECTIVES, AND ACTIONS

The following Goals, Objectives, and Actions present the City's planning and development policy in the Comprehensive Plan. They will provide the basis for the City's evaluation of future development proposals and community planning implementation.

Goal LUD.1	Implement an efficient land use philosophy that is fiscally sustainable and enhances Tomball's quality of life.
Objective LUD 1.1	Evaluate development proposals in relation to their long term fiscal impact on the City of Tomball.
Action LUD 1.1.1	Develop standards for levels of service and tools to evaluate impacts of growth on these standards.
Action LUD 1.1.2	Discourage the development of land that cannot demonstrate the existing or planned adequacy of public facilities and services and/or logical extension of public infrastructure improvements.
Action LUD 1.1.3	Evaluate the development and administrative processing fee methodology at least every three years to ensure that new growth pays its fair share of the cost.
Action LUD 1.1.4	Evaluate and implement options for maintaining public facilities and services at community standards to ensure that new development financially contributes its fair share of the cost.

- Action LUD 1.1.5 Ensure that new developments invest in and contribute to the community's quality of life and amenities.
- Action LUD 1.1.6 Ensure that developers provide parks, trails, and sidewalks, where appropriate, as part of the development review process.
- Action LUD 1.1.7 Continue to adopt and update model development codes.
- Objective LUD 1.2 Promote a cohesive land use pattern by minimizing incompatible land uses.**
- Action LUD 1.2.1 Maintain and strengthen effective buffering policies between land uses to ensure compatibility.
- Action LUD 1.2.2 Manage the impacts of noise, glare, fumes, odor, refuse, etc. by utilizing buffering and site design techniques to protect the health and livability of the community.
- Action LUD 1.2.3 Consider investments already made in the community when making land use and development decisions.
- Objective LUD 1.3 Enhance Tomball's environment and promote energy efficiency.**
- Action LUD 1.3.1 Adopt policies that utilize building technologies and materials to encourage energy conservation.
- Action LUD 1.3.2 Implement policies that minimize noise impacts to surrounding land uses.
- Action LUD 1.3.3 Develop landscape standards for various land uses with a focus on native vegetation and shading.

- | | |
|------------------|---|
| Action LUD 1.3.4 | Work with local, regional, state, and federal agencies to promote air and water quality. |
| Action LUD 1.3.5 | Promote water conservation technologies and programs. |
| Action LUD 1.3.6 | Promote waste reduction, pollution prevention, and recycling as integral parts of business conduct. |
| Action LUD 1.3.7 | Encourage developments that promote vehicle trip reduction. |

Goal LUD 2	Encourage the continuation of Tomball's rural heritage and lifestyle.
-------------------	--

Objective LUD 2.1	Protect the rural character and continued ranching or agricultural uses, where appropriate, to maintain the rural lifestyle in Tomball.
--------------------------	--

Action LUD 2.1.1	Promote programs that provide "rural" economic opportunities, such as expanded opportunities for agriculture-related businesses on rural properties (e.g. farm stores, bed-and-breakfasts, and equestrian facilities) or within the community (e.g. farmers market).
------------------	--

Action LUD 2.1.2	Work with partners to develop educational materials explaining opportunities and benefits for rural land preservation, such as conservation easements, clustering of development in one area to preserve other areas, or other tools that protect rural lands.
------------------	--

Action LUD 2.1.3	Require developer disclosure to new home buyers in developments next to existing agricultural operations regarding potential impacts such as noise, dust, or odors.
------------------	---

Goal LUD 3	Ensure high quality, safe, cohesive, and attractive neighborhoods and residential areas that meet the needs of present and future residents of Tomball.
-------------------	--

Objective LUD 3.1	Encourage a diverse mix of housing styles, densities, and price ranges located within appropriate locations.
Action LUD 3.1.1	Protect existing residential areas from encroachment of incompatible uses.
Action LUD 3.1.2	Partner with the development community to provide a wide variety of housing products that are compatible with existing neighborhoods and meet existing and future residential needs.
Action LUD 3.1.3	Evaluate a variety of tools (e.g., density bonuses, clustering, flexible development standards) to encourage a variety of housing products that can meet the changing housing needs of Tomball.
Action LUD 3.1.4	Locate higher density residential developments adjacent to or in close proximity to high capacity roadways and multimodal facilities.
Action LUD 3.1.5	Require that new residential developments provide pedestrian linkages to parks, schools, and other public facilities, where appropriate.
Action LUD 3.1.6	Coordinate the development of new residential neighborhoods with development of new schools to ensure consistency with long range school development plans.
Action LUD 3.1.7	Maintain and enhance construction inspections to ensure residential structural longevity and quality neighborhoods.

Objective LUD 3.2	Foster distinctive, attractive neighborhoods with a strong sense of place by encouraging amenities such as pocket parks and recreational centers.
Action LUD 3.2.1	Encourage the location of support services such as schools, parks, small scale employment, and retail that is compatible with the surrounding residential character.
Action LUD 3.2.2	Create walkable neighborhoods by developing and implementing requirements for pedestrian pathways and/or bicycle trails within each residential subdivision and neighborhood that connect to the City's Trails Master Plan, where feasible.
Action LUD 3.2.3	Develop and implement common and private open space requirements that promote a sense of community and provide desirable green space to accommodate recreation needs.
Action LUD 3.2.4	Adopt design standards and criteria to provide direction for well designed new neighborhoods, existing neighborhood enhancement, and promoting quality housing standards.
Action LUD 3.2.5	Encourage home designs that foster opportunities for community interaction and public safety through site and neighborhood design (e.g. front porches, back loaded garages, meandering sidewalks, and varied setbacks).
Objective LUD 3.3	Protect the integrity of Downtown Tomball neighborhoods.
Action LUD 3.3.1	Create design standards for new infill development and redevelopment that ensure compatibility with mature neighborhoods.

Action LUD 3.3.2	Protect existing Downtown neighborhoods from incompatible land uses.
Action LUD 3.3.3	Create a Downtown property improvement program where land owners can be partially reimbursed for approved improvements.
Objective LUD 3.4	Utilize revitalization programs to protect and enhance maturing neighborhoods and areas.
Action LUD 3.4.1	Establish infill development standards.
Action LUD 3.4.2	Establish neighborhood quality standards and monitor detrimental conditions (e.g. crime, maintenance and resale values) to evaluate potential need for redevelopment activities.
Action LUD 3.4.3	Identify and prioritize neighborhood revitalization activities within the City's Capital Improvement Plan.
Action LUD 3.4.4	Create partnerships with local businesses and agencies to develop "Adopt-A-Street", "Adopt-A-Block", "Adopt-A-Mile", and other neighborhood clean-up programs.
Action LUD 3.4.5	Initiate an educational program to assist homeowner associations (HOAs) to maintain and enhance their communities.
Action LUD 3.4.6	Adopt design standards and adaptive reuse policies to protect important buildings and neighborhoods.
Objective LUD 3.5	Emphasize smart growth principles through all steps of the development process.

Action LUD 3.5.1 Promote well planned infill development city-wide to allow for increased density in selected areas along established transportation corridors.

Action LUD 3.5.2 Avoid density increases or intrusion of nonresidential uses that are incompatible with existing neighborhoods.

Action LUD 3.5.3 Allow for mixed use development at varying intensities at selected areas as a means of revitalizing underutilized urban parcels.

Objective LUD 3.6 Preserve and enhance the quality and character of Tomball by ensuring compliance with all applicable codes and regulations.

Action LUD 3.6.1 Provide equitable, consistent and effective code enforcement services, focusing first upon areas where code enforcement will have beneficial life safety and neighborhood-improving impacts.

Action LUD 3.6.2 Encourage the rehabilitation or replacement of dilapidated housing units and buildings, discouraging further deterioration and where necessary, seek to remove unsafe structures.

Goal LUD 4	Improve the economic viability and quality character of commercial centers throughout Tomball.
-------------------	---

Objective LUD 4.1 Develop commercial design standards to promote quality development and redevelopment.

Action LUD 4.1.1 Discourage additional linear commercial development and promote transitioning of obsolete or abandoned linear commercial areas to other land uses.

- Action LUD 4.1.2 Develop architectural design and quality standards to ensure that “big box” developments contribute to the community’s overall image and character by addressing efficient circulation and access, parking design, landscaping, building massing and design, and connection to adjacent land uses.
- Action LUD 4.1.3 Require transition plans for the future development or reuse of “big box” retail buildings of greater than 100,000 square feet.
- Action LUD 4.1.4 Explore funding to support a storefront improvement program that provides assistance to qualified business and property owners to rehabilitate the exterior of commercial properties in targeted areas such as Downtown.
- Action LUD 4.1.5 Encourage commercial recycling programs and on-site recycling facilities.

Goal LUD 5	Create pedestrian-oriented developments that create a live, work, and play lifestyle.
-------------------	--

- Objective LUD 5.1** **Mixed land use patterns should be developed within key activity areas and at smaller scales in appropriate areas to minimize the number and length of trips and create a more pedestrian-oriented development pattern.**
- Action LUD 5.1.1 Encourage the development of mixed use activity centers in areas such as Old Town and Four Corners that include pedestrian-orientation, integrated land uses, and vertical or horizontal integration.
- Action LUD 5.1.2 Encourage appropriate levels of density, depending on the size and context of the development.

Action LUD 5.1.3	Promote multimodal transportation options, including walking, biking, and transit.
Action LUD 5.1.4	Provide adequate parking in convenient locations without creating an oversupply.
Action LUD 5.1.5	Provide public spaces that are visible, safe, comfortable, interesting, and accessible to all.
Action LUD 5.1.6	Revise development codes to incentivize transformation of strip commercial to convert to higher quality mixed use districts.
Action LUD 5.1.7	Ensure compliance with the Americans with Disabilities Act access requirements.
Action LUD 5.1.8	Encourage integrated streetscape within projects that provide pedestrian amenities such as shade structures, benches, public art, and landscaping.
Action LUD 5.1.9	Evaluate parking requirements and public facilities needs when considering developments.
Action LUD 5.1.10	Provide housing opportunities so that those who are employed in Tomball can live in Tomball.
Action LUD 5.1.11	Develop a Downtown Specific Area Plan and zone that regulates and directs land use planning and development within the Old Town area; the Downtown Specific Area Plan shall explore an appropriate mix of land use intensities, examine the area's long-term economic viability, establish development standards and design criteria for new development and redevelopment, and create an implementation program that includes a capital improvement plan and funding strategy.

Action LUD 5.1.12 Update the Tomball Zoning Ordinance's Old Town and Mixed Use zoning classification and boundaries where appropriate.

Goal LUD 6	Promote compatible development around transit facilities.
-------------------	--

Objective LUD 6.1 Encourage Transit Oriented Development, where feasible, to facilitate safe and convenient access to transit facilities such as at the future commuter rail station in Downtown.

Action LUD 6.1.1 Develop land use and design standards governing land near the designated transit center/future commuter rail station and line to maximize the potential for ridership and economic enhancement opportunities.

Action LUD 6.1.2 Encourage high density residential and high intensity employment uses to locate adjacent or in close proximity to the transit station.

Action LUD 6.1.3 Promote compact, mixed uses and pedestrian-oriented land developments adjacent to the transit station.

Action LUD 6.1.4 Promote commercial uses near the transit station that serve patrons and those living and working in the area.

Action LUD 6.1.5 Provide safe, convenient, and attractive pedestrian and vehicular connections for riders from the transit station to homes, businesses, and park and ride facilities.

Action LUD 6.1.6 Ensure that development and redevelopment along major transportation corridors considers potential transit and trolley circulation service.

- | | |
|-------------------|---|
| Action LUD 6.1.7 | Establish design and landscaping standards for developments adjacent to the future commuter rail line. |
| Action LUD 6.1.8 | Locate high density land uses such as Mixed Use, Commercial, or High Density Residential near or across from the transit station. |
| Action LUD 6.1.9 | Locate service-oriented community facilities such as fire stations, community centers, operations centers, or parking lots as a transition to other uses from a Transit Oriented Development designated area, as appropriate. |
| Action LUD 6.1.10 | Provide appropriate transition between land uses. |
| Action LUD 6.1.11 | Promote ground level active land uses, such as retail and small service business, with frontage onto public streets rather than being separated from the street by large parking areas typical of a suburban shopping center. |
| Action LUD 6.1.12 | Place open space and recreational amenities, such as public plazas or pathways, strategically to support pedestrian activities. |
| Action LUD 6.1.13 | Enhance transportation facilities and amenities such as transit stations, bridges, sidewalks, street signage, and lighting to provide interest, variation, and order within high intensity, pedestrian-friendly activity areas. |

Goal LUD 7	Maintain a sustainable jobs-to-population ratio and a mix of locally available jobs.
-------------------	---

- | | |
|--------------------------|---|
| Objective LUD 7.1 | Enhance Tomball's viability as a place for businesses by reserving adequate employment related land. |
|--------------------------|---|

- Action LUD 7.1.1 Develop, adopt, and implement specific area plans for targeted employment locations.
- Action LUD 7.1.2 Address transportation issues associated with heavy truck traffic and the movement of goods by local enterprises while mitigating impacts.
- Action LUD 7.1.3 Preserve designated employment areas from transition to other uses (as these areas often take longer to develop).
- Action LUD 7.1.4 Partner with the Tomball Economic Development Corporation (TEDC) and other organizations to match potential employers with appropriate land parcels.
- Action LUD 7.1.5 Evaluate jobs-to-population ratio when considering new developments.

Goal LUD 8	Maximize the opportunity to communicate Tomball's character through placemaking.
-------------------	---

Objective LUD 8.1 Create quality Tomball entry gateways.

- Action LUD 8.1.1 Consider specific area plans for key gateway areas to address appropriate land use mix, cohesive design, connections, setbacks, signage, and character.
- Action LUD 8.1.2 Consider entranceway monuments or other land use features to establish official "gateways" into Tomball.
- Action LUD 8.1.3 Implement a distinguishable street sign program.
- Action LUD 8.1.4 Implement a public facilities directional sign program.

Action LUD 8.1.5 Explore establishing City districts to promote a sense of placemaking.

Goal LUD 9	Eliminate deteriorated/blighted areas and buildings.
-------------------	---

Objective LUD 9.1	Prevent or eliminate deterioration and blight conditions to encourage development/redevelopment and enhance public safety.
--------------------------	---

Action LUD 9.1.1	Facilitate context sensitive development and redevelopment of vacant, underutilized, and blighted parcels.
------------------	--

Action LUD 9.1.2	Work with businesses, developers, and the community to improve appropriate redevelopment sites.
------------------	---

Action LUD 9.1.3	Secure or remove dilapidated and blighted buildings that are a health and safety hazard.
------------------	--

Action LUD 9.1.4	Establish maintenance standards for vacant property.
------------------	--

Action LUD 9.1.5	Require property owners to mitigate impacts of transitioning properties, including use of façade treatments, painting, etc.
------------------	---

Goal LUD 10	Develop the Downtown public realm to preserve, promote, and enhance the Tomball "sense of place" as the identifiable physical, social, and cultural heart of Tomball.
--------------------	--

Objective LUD 10.1	Use the adopted <i>Livable Centers Downtown Plan</i> as the framework for creating the Downtown public realm as the heart of Tomball.
---------------------------	--

Action LUD 10.1.1 Develop the Depot/Open Space plaza into "The Downtown Destination," as an active multi-use event and gathering space, a public park in the heart of Downtown, and a cultural platform to celebrate the history and traditions of Tomball.

Action LUD 10.1.2 Develop a hierarchy of streetscape enhancements and pedestrian linkages that properly define and connect the Main Street corridor, commercial zones, community and civic spaces, and residential neighborhoods.

Action LUD 10.1.3 Develop a combination of clearly visible and accessible public open-lot, on-street parking, and retail loading options that are properly scaled to the Downtown environment, providing clear pedestrian access to adjacent streetscape.

Objective LUD 10.2 **Preserve Tomball's unique historic character.**

Action LUD 10.2.1 Develop a definition to define Tomball's historic fabric.

Action LUD 10.2.2. Conduct an inventory of buildings and special places that reflect Tomball's history.

Action LUD 10.2.3 Develop a heritage preservation plan.

Action LUD 10.2.4 Develop guidelines and/or regulations to protect and preserve Tomball's history.

Goal LUD 11	Promote quality and sustainable development practices.
--------------------	---

Objective LUD 11.1 **Ensure development/redevelopment projects support land use Planning Guidelines.**

Chapter 4: Land Use and Development

- | | |
|-------------------|--|
| Action LUD 11.1.1 | Evaluate residential projects based on general and applicable Rural Residential, Low Density Residential, Medium Density Residential, Old Town, and/or High Density Residential Planning Guidelines. |
| Action LUD 11.1.2 | Evaluate mixed use projects based on Mixed Use Planning Guidelines. |
| Action LUD 11.1.3 | Evaluate Downtown development projects on Old Town Planning Guidelines. |
| Action LUD 11.1.4 | Evaluate commercial development projects on Commercial Planning Guidelines. |
| Action LUD 11.1.5 | Evaluate employment-related projects on Business/Industrial and Employment/Office Planning Guidelines. |
| Action LUD 11.1.6 | Evaluate recreational projects on Parks and Open Space Planning Guidelines. |

Goal LUD 12	Continue to protect the health, safety, and welfare of those within Tomball and its ETJ.
--------------------	---

- | | |
|-----------------------|---|
| Objective 12.1 | Reduce potential flood hazards within Tomball. |
| Action LUD 12.1.1 | Reduce flood risks for residents and businesses within urbanized areas, as feasible. |
| Action LUD 12.1.2 | Encourage flood control infrastructure that does not reduce the natural character or limit the use of the site. |
| Action LUD 12.1.3 | Minimize additional flood risk exposure in developing areas. |
| Action LUD 12.1.4 | Identify existing facilities located in the one percent floodplain, particularly bridges and potential emergency access routes. |

Action LUD 12.1.5 Ensure that drainage and flooding issues are mitigated when evaluating development proposals to minimize risk.

Objective 12.2 Minimize risks associated with the storage, transport, and disposal of hazardous materials.

Action LUD 12.2.1 Work with Tomball Fire Department to ensure that hazardous materials used and generated by businesses are handled properly.

Action LUD 12.2.2 Work with the responsible federal, state, county, and local agencies to identify and regulate the disposal of toxic materials.

Action LUD 12.2.3 Encourage sewer service to minimize groundwater contamination.

Action LUD 12.2.4 As laws change, update the Pipeline Ordinance to address potential development challenges and/or safety issues.

Objective LUD 12.3 Protect property from fire hazards.

Action LUD 12.3.1 Ensure that sufficient fire stations, personnel, and equipment are provided to meet the needs of the community as it grows in size and population.

Action LUD 12.3.2 Continue to pursue the timely adoption of the International Fire Codes as they are revised on a tri-annual basis.

Action LUD 12.3.3 Continue to integrate fire safety considerations in the planning process.

Action LUD 12.3.4 Mitigate existing fire hazards related to urban development as they are identified and as resources permit.

- | | |
|---------------------------|---|
| Action LUD 12.3.5 | Continue to involve public safety personnel in the development review process to ensure that safety concerns are addressed. |
| Action LUD 12.3.6 | Pursue strategies that maintain and improve the City's ISO rating. |
| Action LUD 12.3.7 | Provide outreach and education to the community regarding fire safety and prevention. |
| Action LUD 12.3.8 | Identify noncontiguous streets and other barriers to rapid response and pursue measures to eliminate the barriers. |
| Objective LUD 12.4 | Provide high-quality police services to all residents and businesses in Tomball. |
| Action LUD 12.4.1 | Provide resources to ensure adequate and equitable distribution of police services. |
| Action LUD 12.4.2 | Coordinate and support other public safety agencies, including campus police forces. |
| Action LUD 12.4.3 | Coordinate with the Harris and Montgomery counties sheriff's departments in their efforts to provide law enforcement services within Tomball's ETJ. |
| Action LUD 12.4.4 | Empower police, public safety personnel, and residents to develop innovative methods to reduce or prevent crime. |
| Objective LUD 12.5 | Improve community safety and reduce opportunities for criminal activity through appropriate physical design. |
| Action LUD 12.5.1 | Maximize natural surveillance in all new developments through physical design features that promote visibility. |

- Action LUD 12.5.2 Promote land use and design policies and regulations which encourage a mixture of compatible land uses to promote and increase the safety of public use areas and of pedestrian travel.
- Action LUD 12.5.3 Involve the Tomball Police Department in the development review process of public areas relative to building and site plan vulnerabilities to criminal activities.
- Action LUD 12.5.4 Coordinate efforts between the Police Department and Engineering & Planning Department to develop guidelines for implementation of Crime Prevention Through Environmental Design (CPTED)-related issues.
- Objective LUD 12.6 Minimize the effects from natural and urban disasters by providing adequate levels of emergency response services to all residents in Tomball.**
- Action LUD 12.6.1 Maintain an effective, coordinated, and up-to-date community-wide emergency response plan.
- Action LUD 12.6.2 Support Tomball's Office of Emergency Management in coordinating the City's response to disasters, providing public outreach and presentations, and assisting residents to prepare for major events.
- Action LUD 12.6.3 Review and test the City's Emergency Operations Plan periodically to note any deficiencies or practices requiring modifications.

- Action LUD 12.6.4 Ensure that equipment and structures designated to provide emergency disaster services are located and designated to function after a disaster or emergency event, or relocate any such structures which are not adequate to provide emergency services.
- Action LUD 12.6.5 Provide effective and relevant information to the public regarding disaster preparedness.
- Action LUD 12.6.6 Conduct regularly scheduled disaster exercises to prepare the City for emergency response.
- Action LUD 12.6.7 Identify actions to reduce the severity and probability of hazardous occurrences.
- Objective LUD 12.7 Improve the community's ability to respond effectively to emergencies.**
- Action LUD 12.7.1 Ensure that Tomball Police and Fire service facilities are strategically located to meet the needs of all areas of the City.
- Action LUD 12.7.2 Ensure that public safety infrastructure and staff resources keep pace with new development planned or proposed in Tomball and its ETJ.
- Action LUD 12.7.3 Continue to ensure that each development or neighborhood in the City has adequate emergency ingress and egress, and review existing neighborhood access needs to solve problems.
- Action LUD 12.7.4 Coordinate with local agencies and organizations to educate all residents and businesses to take appropriate action to safeguard life and property during and immediately after emergencies.

Goal LUD 13	Continue to engage the community in the governance of Tomball.
--------------------	---

Objective LUD 13.1 **Educate and empower residents and stakeholders.**

Action LUD 13.1.1 Initiate a citizen leadership academy.

Action LUD 13.1.2 Initiate an umbrella HOA organization.

LAND USE SCENARIO DEVELOPMENT

The public and key stakeholders were intimately involved in the creation of the Future Land Use Plan. During Future Fest, held in May 2009, the public, stakeholders, and City staff created a series of land use alternatives. These alternatives were analyzed and the following common themes identified:

- Open spaces along 100-year floodplains and drainage ways should be reserved and utilized.
- Recreational opportunities should be connected where possible.
- Native vegetation should be reintroduced.
- There should be a cohesive Downtown core.
- The Four Corners area should be utilized to its full economic potential.
- The southeast portion of Tomball should be considered an "employment" district.
- "General office" land uses should be used to transition from residential to more intensive commercial land uses.

From that feedback, the planning team developed three land use alternatives (Current Development Trends, Parks and Employment, and Reinventing Our Downtown). Participants at the July 2009 Alternatives Workshop were asked to evaluate the land use components of each. Common themes derived from the Alternatives Workshop included:

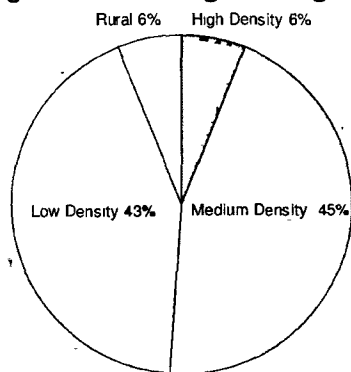
- A balance of commercial and employment land uses should be developed in Tomball.

- A commuter rail station should be placed in the Downtown.
- The Four Corners area should be redeveloped as a mixed use development.
- Existing rights-of-way and floodplains should be utilized for recreation and trail development.

Based on feedback received during the Alternatives Workshop, the planning team developed the draft Preferred Land Use Alternative which was presented in August 2009 to the Comprehensive Plan Advisory Committee (CPAC), City Council, Planning & Zoning Commission, Developer's Breakfast, and participants at the Preferred Alternative Workshop.

In order to adequately evaluate the draft Preferred Land Use Alternative, the planning team analyzed the outcomes of doing nothing, or status quo. Assuming future growth and development would occur in a similar pattern and as identified in Tomball's zoning map, several concerns were identified.

Figure 4-4: Existing Housing Mix

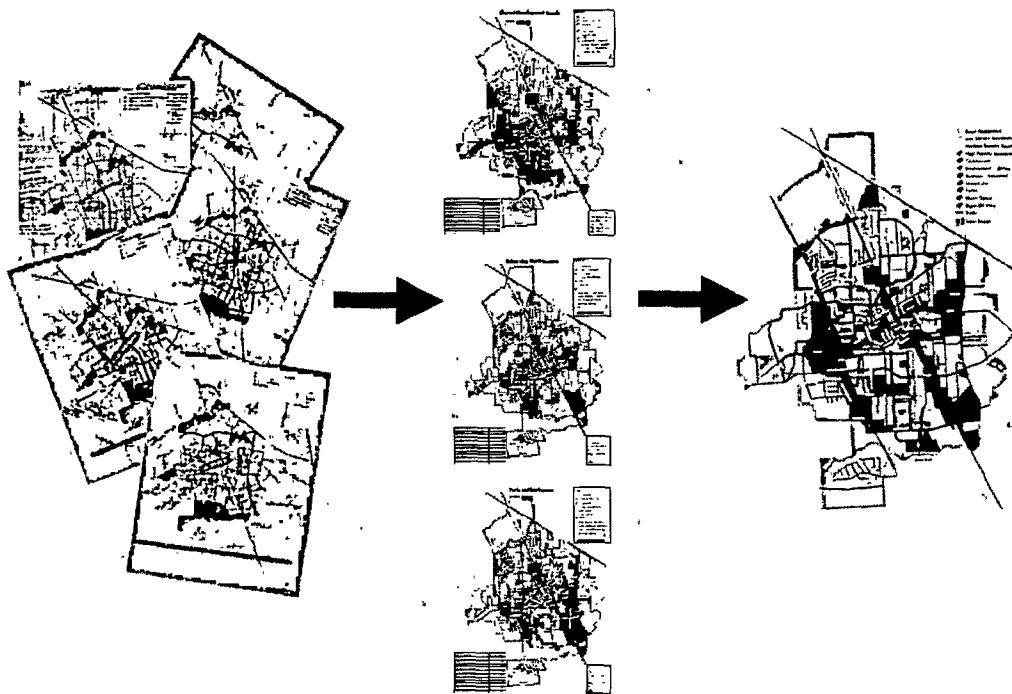


The first concern regarding the status quo was its housing balance. Ensuring that a mix of housing is available within Tomball is a fundamental component of the vision and intent of the community. As shown in Figure 4-4, status quo would perpetuate an imbalance of residential options in Tomball. While approximately 6% of all residential properties would develop as rural, the majority of residential development would occur in the Low Density Residential (43%) and Medium Density Residential (45%). Status quo would result in approximately 6% of all residential development to be considered High Density Residential. The status quo would ultimately result in a projected population at build out of 27,637 in 10,630 dwelling units.

The second concern identified of continuing with a status quo land use pattern was the overabundance of commercially designated land. 77% of the status quo's employment-related land uses are commercial designated, allocating enough commercial-type uses to serve a daily population of 238,037 – nine times Tomball's projected population. Though Tomball has historically been a regional center for employment, retail, and services (and desires to continue in that role), this amount of commercially designated land is unrealistic even generations from today. A more balanced employment scene is desired in Tomball which will provide the right mix of retail and employment-related uses and job opportunities.

As depicted in Figure 4-5, the planning team used the status quo analysis and feedback received on the draft Preferred Land Use Alternative to develop the Future Land Use Plan.

Figure 4-5: Scenario Development



FUTURE LAND USE PLAN

Overview

The Future Land Use Plan will be implemented incrementally over time as Tomball develops/redevelops. The Future Land Use Plan is intended to guide growth and align it with Tomball's Vision. The Future Land Use Plan is graphically depicted on a map (see Figure 4-6 on page 56) which presents the general layout of future land uses throughout Tomball. However, when making land use decisions, the Comprehensive Plan as a whole, text included, needs to be considered, as well as how the decision relates to other applicable city, county, regional, state, and federal policies.

The Future Land Use Plan embodies the Tomball Vision and incorporates input received during the land use alternatives evaluation phase of the comprehensive planning process as well as analysis of natural features and development feasibility.

Projection Assumptions

In completing the Future Land Use Plan analysis, a series of assumptions were created in order to calculate various build out projections (Figure 4-8 on page 58). These assumptions are made on expected average build out and are not intended to show limits or maximum development; individual projects will vary. Assumptions depicted below are based on nationally accepted standards and modified according to local and regional patterns, as necessary.

Residential Assumptions

- 2.6 persons per dwelling unit average
- 80% of each parcel's acreage can be used
- 40% of Mixed Use designation is high density residential
- 40% of Old Town designation is residential
- Mid-range densities are used for residential land use projections
 - Rural: 0.5 dwelling units/acre (2 acre average lot)
 - Low Density: 2.0 dwelling units/acre (1/2 acre average lot)
 - Medium Density: 4.5 dwelling units/acre

- Old Town Density: 8.0 dwelling units/acre
- High Density: 13.0 dwelling units/acre

Commercial Assumptions

- 80% of each parcel's acreage can be used
- .20 is used as the floor to area ratio (i.e., amount of building space in relation to the total land parcel)
- 56 square feet of commercial space is allocated per consumer
- 40% of the Mixed Use and Old Town designations is Commercial
- 20% of the Employment/Office (outside of the medical and college campuses) is Commercial

Employment Assumptions

- 70% of each parcel's acreage can be used
- .20 is used as the floor to area ratio (i.e., amount of building space in relation to the total land parcel)
- 350 square feet is allocated per Employment/Office employee
- 500 square feet is allocated per Business/Industrial employee
- 945 square feet is allocated per Commercial employee
- Business/Industrial land is assumed to be one story in height
- Employment/Office land is assumed to average two stories
- 20% of the Mixed Use and Old Town designation is in Employment/Office
- 40% of the Mixed Use and Old Town designation is in Commercial

Chapter 4: Land Use and Development

Figure 4-6: Future Land Use Plan Map

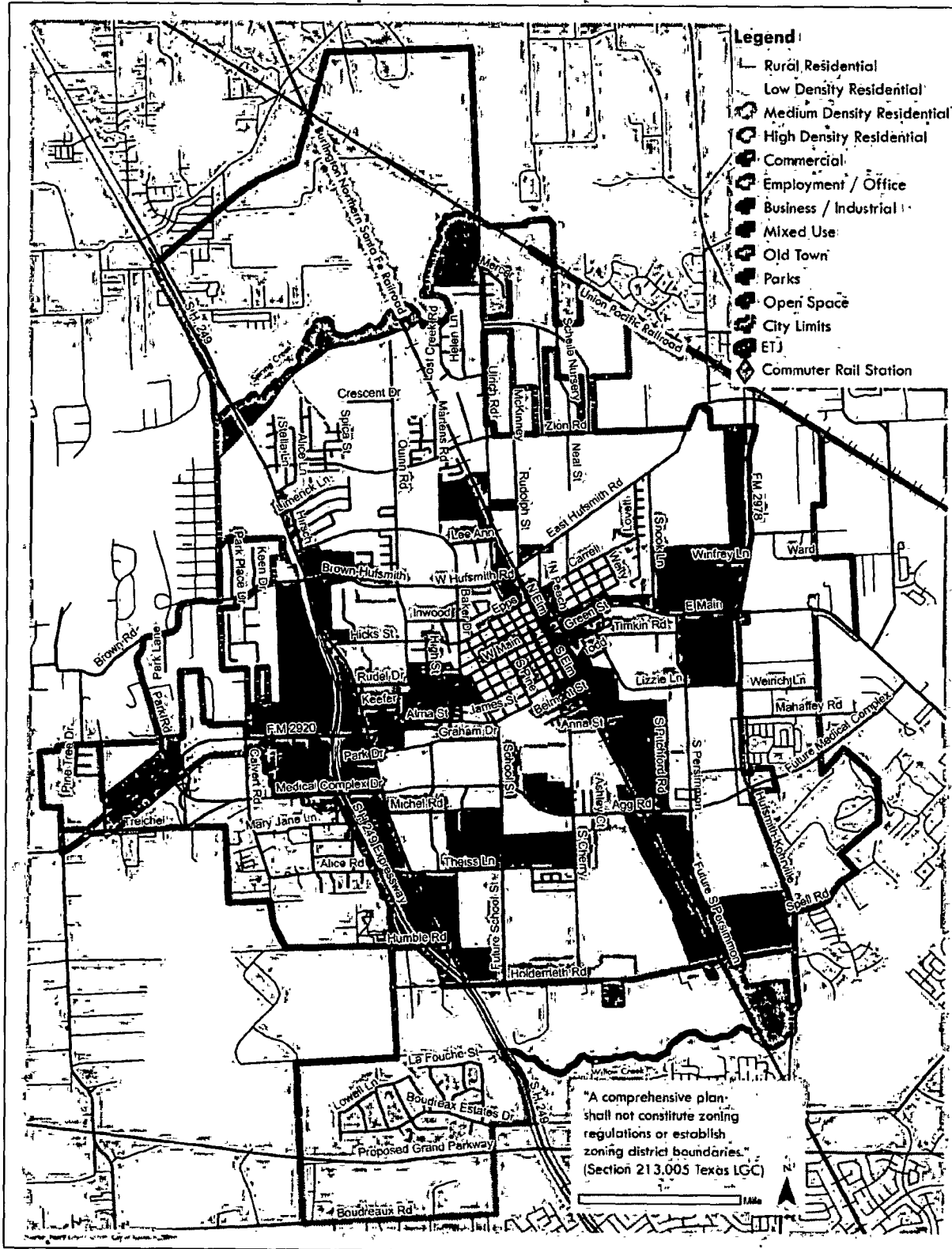


Figure 4-7: Summary Overview of Land Use Designations

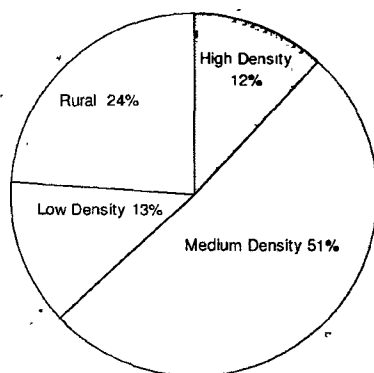
Category	General Description
Rural Residential	Single family detached residential development on minimum 1-acre lots, allowing up to one house per acre (or larger) lot.
Low Density Residential	Typically, single family detached residential development on minimum 20,000 square foot lots (approximately 1/2 acre) or greater.
Medium Density Residential	Typically single family detached residential development, (not stacked or attached to one another, or may be concentrated within one portion of a development, leaving open space in another area) with lot sizes ranging from 6,000 to 20,000 square feet.
High Density Residential	Residential development including patio homes, townhomes, lofts, duplexes, condominiums, and apartments ranging from 7.26 to 26 gross dwelling units per acre.
Commercial	Neighborhood or community oriented commercial with a variety including shopping centers, convenience stores, auto dealers, department stores, grocery and drug stores, entertainment facilities, food and beverage purveyors, salons, and small repair shops. Small professional offices, such as dentists, legal, real estate, etc. could be included in this land use category. Traffic patterns typical of ingress/egress morning through evening.
Employment/Office	Office and employment uses that include corporate headquarters, regional offices, professional offices, light enclosed manufacturing or assembly facilities, office/showrooms, and small business office suites. Some retail activities are permitted in this land use to support offices and employment operations. Morning and evening (or shift change) traffic patterns typical in this sort of development.
Business/Industrial	Businesses where industrial and intensive employment activities occur, including those requiring unenclosed assembly, repair and/or storage; require heavy truck or rail transportation support; warehousing and distribution. Traffic patterns can consist of heavy truck traffic, related business activities, and after hours shipping and receiving.
Mixed Use	Includes a mix of office, retail/commercial, and high density residential uses in a master planned, integrated manner.
Old Town	Includes mature single family neighborhoods, dense commercial uses, a civic core, and high density residential.
Parks	Includes mini, neighborhood, community, or regional parks that are both active and passive recreational areas. Park and open space uses are also appropriate in all residential land use categories.
Open Space	Areas that should be left in a natural state or used for passive recreational purposes due to topographic, drainage, vegetative, and landform constraints, or the need to provide permanent buffers between potentially incompatible land uses.

Transit Oriented Development (TOD) is the creation of compact, walkable communities centered around high quality transit systems, such as a commuter rail station.

Figure 4-8: Future Land Use Plan Projection Summary

Residential Projections	
Dwelling units	13,984
Population	36,357
Commercial Projections	
Population served	112,070
Square feet available	6,275,900
Employment Projections	
Total jobs	44,501

Figure 4-9: Projected Housing Balance



Future Land Use Plan Philosophy

The Future Land Use Plan Map (Figure 4-6) helps to depict the land use patterns set forth in the Future Land Use Plan; a summary of land use designations is found in Figure 4-7. The Future Land Use Plan varies employment-related uses and discourages strip commercial. It strengthens Downtown Tomball by designating an Old Town area that recognizes the historic development patterns and allows flexibility for infill development. The Future Land Use Plan also recognizes the possibility and opportunity associated with a future commuter rail station being located Downtown and encourages Transit Oriented Development. The Future Land Use Plan promotes a balance of housing styles and neighborhoods in various price ranges throughout Tomball. Additionally, special attention was given at entry areas to Tomball; residents did not want to see commercial land uses at all community entryways, and thus, the Future Land Use Plan encourages a variety of land uses at key entries. Lastly, a key feature of the Comprehensive Plan is that it identifies a system of open space and connected trails. The total system links activity centers within Tomball as well as connecting the community to the regional system.

Housing Balance

The Future Land Use Plan achieves a better housing balance than what currently exists in Tomball or what the status quo might produce (Figure 4-9). The Future Land Use Plan increases the amount of Rural Residential (24% of all residential land uses) and provides a better balance between Low Density (13%) and Medium Density (51%) in relationship to the overall residential pattern. High Density residential (12%) increases slightly and is located in appropriate areas to provide a broader housing mix compared to the status quo. Population at build out is projected to be 36,357 in 13,984 dwelling units. It is important to note that residential is allowed within the Mixed Use and Old Town land use designations so as Tomball matures and mixed use projects are developed, a live/work philosophy can be created. Overall, residential uses constitute approximately 59% of the land uses designated in the Future Land Use Plan.

Mix of Employment Opportunities

The Future Land Use Plan allows for a greater mix of employment-related land uses (Figure 4-10) compared to what would occur if the status quo were maintained. During the comprehensive planning process, residents stressed the importance of ensuring that adequate employment land was designated to provide an opportunity for a variety of jobs to be created in Tomball. While this strategy was important for the long term economic vitality of the community, it also helps to address congestion issues and improves Tomball's quality of life by promoting a live/work environment. The Future Land Use Plan indicates a more realistic percentage of Commercial (37% of all employment-related land uses) projected to serve a daily population of 112,070, significantly larger than the projected population of Tomball at build out, yet large enough to continue serving as a regional center. Additionally, 33% of the employment land uses are in Employment/Office and 30% in Business/Industrial. Approximately 35% of all land uses within Tomball are employment-related.

Figure 4-10: Projected Employment Mix



Balanced Job Opportunities

With the amount of employment-related land uses designated on the Future Land Use Plan, Tomball will be able to create a balanced mix of job opportunities. The total jobs projected at build out are 44,501, of which 85% are projected as non-retail jobs producing approximately three times the projected number of total jobs produced if Tomball continues with the status quo (22,814 total jobs projected, 35% non-retail). Overall, the Future Land Use Plan projects creating approximately 1.2 jobs for every Tomball resident compared to 0.8 jobs created per resident under the status quo.

Linking Land Use and Transportation

Ensuring mobility and connectivity between land uses throughout Tomball is a key philosophy of the Comprehensive Plan. Residents want mobility choices to get from home to school to shopping to work. By making direct multimodal linkages between where people live, work, and play, the length and number of trips will be reduced and mobility options increased. This shift in planning philosophy will reduce congestion and improve overall quality of life.