



AGENDA MEMORANDUM

First Reading for the City Council Meeting of November 16, 2021
Second Reading for the City Council Meeting of December 7, 2021

DATE: October 21, 2021
TO: Peter Zaroni, City Manager
FROM: Al Raymond, Director Development Services
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**Ordinance –
Exempting Drillen Subdivision, located west of CR 73 and north along FM 624,
from payment of wastewater acreage fee under section 8.5.2.G.1 of the Unified
Development Code; requiring a Sanitary Sewer Connection Agreement.**

CAPTION:

Ordinance exempting Drillen Subdivision, west of CR 73 and north along FM 624, from the payment of the wastewater acreage fee under Section 8.5.2.G.1 of the Unified Development Code; requiring a sanitary sewer connection agreement.

PURPOSE:

Exempt the owner/developer of Drillen Subdivision from paying \$15,065.89 in wastewater acreage fees subject to execution of a Sanitary Sewer Connection Agreement.

BACKGROUND AND FINDINGS:

York Engineering on behalf of Butch and Margaret Drillen, property owner, submitted a request for an exemption from the wastewater acreage fee in accordance with Section 8.5.2.G. The potential wastewater acreage fee is \$15,065.89, based on the rate of \$1,571 per acre. The subject property consists of 9.59 acres.

Drillen Subdivision, is a final plat of 9.59 acres, consisting of one (2) lots, approximately .22 miles outside the City limits. The owner proposes to subdivide the property for a smaller second lot encompassing 2.12 acres for a future residential development. The larger lot currently has a residential homestead with existing public water from River Acres Water Supply Corporation and a permit for a private sanitary sewer system. The final plat was approved by Planning Commission on September 29, 2021. The subject property is located west of CR 73 and north along FM 624 and is 18,911 linear feet equivalent to 3.58 miles away from the connection point.

On September 29, 2021, the Planning Commission granted a waiver to the requirement to connect to sanitary sewer, finding that the subdivision was not reasonably accessible to a public wastewater facility of sufficient capacity as determined by adopted City wastewater standards and wastewater master plan. The subject property will provide on-site sewage facilities in conformance with the regulatory agency (City-County Health Department).

Per UDC 8.5.2.G, areas exempt from the payment of lot or acreage fees shall be determined by the City Council to not likely be served by City Wastewater services within the next 15 years. Staff does not anticipate availability of service to this property within the 15-year term.

ALTERNATIVE:

Require the owner to pay the applicable wastewater acreage fee in the amount of \$15,065.89 prior to the recording of the plat. If wastewater services are not available within 15 years from the date of the filing of the plat, the property owners may request a refund.

FISCAL IMPACT:

Approval of the wastewater acreage fee exemption would lessen the funds available to reimburse developers for the construction and extension of sanitary sewer trunk main lines, lift stations, and force main lines. Wastewater lot or acreage fees along with 75 percent of the wastewater surcharge fees are deposited in the Sanitary Sewer Trunk System Trunk Fund (4220-21800-777).

RECOMMENDATION:

On September 29, 2021, the Planning Commission recommended that City Council approve the exemption of the wastewater acreage fee subject to a Sanitary Sewer Connection Agreement. The agreement will require payment of the pro-rata fee in effect when public wastewater service becomes available. The agreement will also require payment of the wastewater lot or acreage fee in effect if public wastewater becomes available within 15 years of the plat being filed for record.

Staff recommends approval of this fee waiver as staff does not anticipate availability of service to this property within the next 15 years.

LIST OF SUPPORTING DOCUMENTS:

Ordinance
Presentation
Location Map