



**AGENDA MEMORANDUM**

First Reading for the City Council Meeting of November 9, 2021  
Second Reading for the City Council Meeting of November 16, 2021

**DATE:** October 1, 2021  
**TO:** Peter Zaroni, City Manager  
**FROM:** Al Raymond, Director Development Services  
alraymond@cctexas.com  
(361) 826-3276

**WASTEWATER FEE EXEMPTION FOR HALE HORSE RANCH, BLOCK 1, LOT 1**

**CAPTION:**

Ordinance exempting Lot 1, Block 1, Hale Horse Ranch, north of FM 665 and west of CR 763 with the frontage along CR 32, from the payment of the wastewater lot or acreage fee under Section 8.5.2.G.1 of the Unified Development Code. (OCL)

**SUMMARY:**

Bass and Welsh Engineering, on behalf of J & N Hill Country Investments, LLC, property owner, submitted a request for an exemption from the wastewater acreage fee in accordance with Section 8.5.2.G of the UDC. The applicant is requesting an exemption from the wastewater acreage fee due to the existing wastewater collection line being located more than 1,000 feet from the property.

Under the authority granted by the Unified Development Code (UDC), the Planning Commission granted the wastewater construction and fee waiver on September 29, 2021. A waiver from wastewater construction constitutes the approval of an on-site facility (OSSF).

**BACKGROUND AND FINDINGS:**

Bass and Welsh Engineering, on behalf of J & N Hill Country Investments, LLC, property owner, submitted a request for an exemption from the wastewater acreage fee in accordance with Section 8.5.2.G of the UDC for their planned residential subdivision named Hale Horse Ranch. The property totals 1.64 acres, consists of (1) lot, is outside the city limits, and is in the West Oso Independent School District.

The plat was approved by Planning Commission on September 29, 2021 and the property is outside the city limits located north of FM 665 and west of CR 763 with the frontage along CR 32. The owners requested to plat the property to acquire city water to allow horses to be kept on the property.

The property owners submitted a request for an exemption from the payment of wastewater acreage fees in accordance with UDC Section 8.5.2.G.1. The potential wastewater acreage fee is \$2,576.44, based on the rate of \$1,571 per acre. The Planning Commission recommended 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 subdivision property will provide on-site sewage facilities (septic) in conformance with the Corpus Christi and Nueces County Health District.

The proposed Hale Horse Ranch, Block 1, Lot 1 subdivision property is not “reasonably accessible” to a public wastewater infrastructure as defined by the UDC. “Reasonably accessible” means (i) master plan facilities (including trunk mains and lift stations) currently exist in the designated service area, and such facilities can be extended to serve the subdivision; and (ii) collection lines of adequate capacity to service the proposed development are within 1,000 feet of the subdivision and can be extended. Per section UDC 8.5.2.G.1, areas exempt from the payment of lot or acreage fee shall be determined by the City Council to not likely be served by City Wastewater services with the next 15 years. Staff does not anticipate availability of service to this property with the 15-year term with development of the properties along CR 32.

Although, the planned subdivision is in a wastewater master plan designated service area, the nearest wastewater collection line is approximately 7,152 feet away from the applicant's property, located near CR 32 and CR 763.

**ALTERNATIVES:**

Deny and require the owner to pay the applicable wastewater acreage fee in the amount of \$2,576.44 prior to the recording of the plat. If wastewater services are not available within 10 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. In order to waive the wastewater acreage fee, City Council must approve the fee waiver. The Planning Commission has already approved the waiver of wastewater line construction.

Staff recommends approval of this fee waiver request as staff does not anticipate availability of

service to this property within the next 15 years.

**LIST OF SUPPORTING DOCUMENTS:**

Ordinance  
Presentation  
Location Map