



AGENDA MEMORANDUM

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

DATE: October 1, 2021
TO: Peter Zaroni, City Manager
FROM: Al Raymond, Director Development Services
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WASTEWATER FEE EXEMPTION FOR COUNTRY ACRES, LOT 4A & 4B

CAPTION:

Ordinance exempting Country Acres, Lots 4A & 4B, east of FM 1889 and north of CR 48, from the payment of a not to exceed amount of \$3,676.14 for the wastewater lot or acreage fee under Section 8.5.2.G.1 of the Unified Development Code; requiring a sanitary sewer connection agreement. (Planning Commission and staff recommend denial of fee waiver)

SUMMARY:

York Engineering on behalf of Enrique and Palmira Mendez, 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 waiver and denied the fee waiver on September 15, 2021. A waiver from wastewater construction constitutes the approval of an on-site facility (OSSF).

BACKGROUND AND FINDINGS:

York Engineering on behalf of Enrique and Palmira Mendez, 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 Country Acres, Lots 4A & 4B. The property totals 2.34 acres, consists of (2) lots, is outside the city limits, and is in the Robstown Independent School District.

The plat was approved by Planning Commission on September 15, 2021 and the property is

outside the city limits located east of FM 1889 and north of CR 48. The owner proposes to develop a single-family home on each 1.12-acre lot with private septic systems

The property owner 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 \$3,676.14, 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 Country Acres, Lots 4A & 4B 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 within the next 15 years. Staff finds that with recent annexations and current and anticipated development in this area, the subject property could be served by wastewater services to this subdivision within the next 15 years.

Although, the planned subdivision is in a wastewater master plan designated service area, the nearest wastewater connection point is approximately 15,000 linear feet equivalent to 2.84 miles away from the applicant’s property located on CR 48.

ALTERNATIVES:

Approve and waive the wastewater fee requirement and require the owner to be subject to a Sanitary Sewer Connection Agreement. The agreement must be recorded prior to the recording of the plat.

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 15, 2021, the Planning Commission approved the waiver of wastewater line construction and recommended that City Council deny the exemption of the wastewater acreage fee and pay \$3,676.14. 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.

Staff recommends denial of this fee waiver request as staff anticipates availability of service to this property within the next 15 years.

LIST OF SUPPORTING DOCUMENTS:

Ordinance
Presentation
Location Map